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THE

Parliamentary Debates,

DURING THE

FOURTH SESSION OF THE SECOND PARLIAMENT

OF THE

UNITED KINGDOM OF GREAT-BRITAIN AND IRELAND,

AND OF THE

KINGDOM OF GREAT-BRITAIN THE NINETEENTH,

Appointed to meet at Westminster, the Twenty-second Day of August, One Thousand Eight Hundred and Five; and from thence continued, by Prorogation, to the Twenty-First Day of January, in the Forty-sixth Year of the Reign of King GEORGE the THIRD, Annoque Domini One Thousand Eight Hundred and Six.

VOL. VI.

COMPRISING THE PERIOD

BETWEEN THE 21st OF JANUARY AND THE 6th OF MAY, 1806.

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1806.

ADVERTISEMENT.

THE present Volume comprises the period between the 21st of January and the 6th of May, 1806. In the pages immediately succeeding the Table of Contents, will be found correct Lists of the Ministry as they stood in January and April; together with a List of the Members of the House of Commons. The Appendix contains: 1. Copies of the Treaties, &c. presented, by His Majesty's Command, to both Houses of Parliament: 2. The Twelfth Report of the Commissioners of Naval Enquiry: 3. The First Report of the Commissioners for Revising and Digesting the Civil Affairs of the Navy: 4. Report from the Committee appointed to draw up Articles of Impeachment against Henry Lord Viscount Melville: and, 5. The First Report of the Commissioners of Military Enquiry.—The Seventh Volume, which will close the Debates of the Session, will contain the Financial Accounts, and other Documents connected with the Proceedings in Parliament during the Session.

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LIST OF HIS MAJESTY'S MINISTERS AS IT STOOD IN JANUARY, 1806.

Cabinet Ministers.

Earl Camden	President of the council.
Lord Eldon	Lord high chancellor.
Earl of Westmoreland	Lord privy seal.
Right hon. William Pitt	First lord of the treasury and chancellor of the exchequer (prime minister).
Lord Barham	First lord of the admiralty.
Earl of Chatham	Master-general of the ordnance.
Lord Hawkesbury	Secretary of state for the home department.
Lord Mulgrave	Secretary of state for foreign affairs.
Lord viscount Castlereagh	Secretary of state for the department of war and the colonies; and president of the board of controul for the affairs of India.
Lord Harrowby	Chancellor of the duchy of Lancaster.

Not of the Cabinet.

Right hon. William Dundas	Secretary at war.
Right hon. George Canning	Treasurer of the navy.
Right hon. George Rose	Joint paymasters of his majesty's forces.
Right hon. lord Charles Somerset	
The duke of Montrose	Joint paymasters-general.
Lord Charles Spencer	
William Huskisson, esq.	Secretaries of the treasury.
W. Sturges Bourne, esq.	
Sir William Grant	Master of the rolls.
Hon. Spencer Perceval	Attorney-general.
Sir Vicary Gibbs	Solicitor-general.

PERSONS IN THE MINISTRY OF IRELAND.

Earl of Hardwicke	Lord lieutenant.
Lord Redesdale	Lord high chancellor.
Right hon Charles Long	Chief secretary.
Right hon. John Foster	Chancellor of the exchequer.

LIST OF HIS MAJESTY'S MINISTERS AS IT STOOD IN APRIL, 1806.

Cabinet Ministers.

Earl Fitzwilliam	President of the council.
Lord Erskine	Lord high chancellor.
Viscount Sidmouth	Lord privy seal.
Lord Grenville	First lord of the treasury (prime minister).
Lord Howick (late Mr. Grey)	First lord of the admiralty.
Earl of Moira	Master-general of the ordnance.
Earl Spencer	Secretary of state for the home department.
Right hon. Charles James Fox	Secretary of state for foreign affairs.
Right hon. William Windham	Secretary of state for the department of war and the colonies.
Lord Ellenborough	Lord chief justice of the court of King's bench.
Lord Henry Petty	Chancellor and under-treasurer of the exchequer.

Not of the Cabinet.

Lord Minto	President of the board of controul for the affairs of India.
Earl of Derby	Chancellor of the duchy of Lancaster.
Lord Auckland	President of the board of trade.
Right hon. Richard Fitzpatrick	Secretary at war.
Right hon. Richard Brinsley Sheridan	Treasurer of the navy.
Earl Temple	Joint paymasters-general.
Lord John Townshend	
Earl of Buckinghamshire	Joint postmasters-general.
Earl of Carysfort	
Right hon. Nicholas Vansittart	Secretaries of the treasury.
John King, esq.	
Sir William Grant	Master of the rolls.
Sir Arthur Pigott	Attorney-general.
Sir Samuel Romilly	Solicitor-general.

PERSONS IN THE MINISTRY OF IRELAND.

Duke of Bedford	Lord lieutenant.
Right hon. George Ponsonby	Lord high chancellor.
Right hon. William Elliott	Chief secretary.
Right hon. sir John Newport	Chancellor of the exchequer.

AN ALPHABETICAL LIST

OF THE

HOUSE OF COMMONS,

As it stood in the Month of April, 1806.

Abbot, rt. hon. Charles, Speaker, Woodstoc
Abercrombie, hn. George, Edinburgh
Acheson, visct. Armaghshire
Adair, Robert, Camelford
Adams, Chas. Weymouth, &c.
Adams, James, Harwich
Adams, William, Totness
Addington, rt. hon. Jn. Hiley, Harwich
Ainslie, R. Sharpe, St. Michael
Alexander, Boyd, Glasgow
Alexander, Henry, Old Sarum
Allan, Alexander, Berwick
Althorp, visct. Okehampton
Amyatt, James, Southampton
Anderson, sir John Wm. bart. London
Andover, viscount, Arundel
Andrews, Miles Peter, Bewdley
Annesley, Francis, Reading
Anson, George, Lichfield
Antonie, Wm. Lee, Bedford
Archdall, M. jun. Fermanaghsh.
Archdall, Richard, Dundalk
Ashley, hn. Cropley, Dorchester
Astley, sir Jacob Henry, bart. Norfolk
Atkins, John, Arundel
Aubrey, sir Jn. bart. Aldeburgh
Babington, Thomas, Leicester
Bagwell, Jn. Tipperary
Bagwell, Wm. Clonmell
Bagenell, Walter, Catherlogh county
Baillie, Evan, Bristol
Baillie, Geo. jun. Berwickshire
Baker, John, Canterbury
Baker, Pet. Wm. Wootton Basset
Baker, Wm. Hertfordshire
Baldwin, Wm. Westbury
Bampfylde, sir Ch. W. bt. Exeter
Bankes, Henry, Corff Castle
Barclay, George, Bridport
Barclay, sir Rt. bt. Newton, Hants.
Barham, Jos. Foster, Stockbridge
Baring, sir Francis, bart. Wycombe, Chipping
Barlow, Hugh, Pembroke
Barne, Snowdon, Dunwich
Bastard, Edmund, Dartmouth
Bastard, Jn. Pollexfen, Devonsh.
Bathurst, rt. hon. Cha. Bristol
Beach, Mich. Hicks, Cirencester
Beaumont, Tho. Rd. Northumberland
Bennet, R. H. A. Launceston
Benyon, Richard, Pontefract
Beresford, ld. Geo. T. Londonderry county
Beresford, Jn. C. Waterford co.
Berkeley, hon. Geo. Cranfield, Gloucestershire
Bernard, Tho. King's County
Bertie, Albemarle, Stamford
Best, Wm. Draper, Petersfield
Binning, lord, St. Germain
Bishopp, sir C. bt. New Shoreham
Blackburne, John, Lancashire
Blackburn, Jn. Newport, Hants
Bligh, Tho. Meath county
Bloxam, sir Mat. kt. Maidstone
Bond, rt. hon. Nath. Corff Castle
Bootle, Edw. Wilbr. Newcastle under Line
Bouverie, hon. Ed. Northampton
Boyle, visct. Cork county
Bradshaw, hon. Aug. Cavendish, Honiton
Bradshaw, Rt. Haldane, Bracley
Brandling, Ch. J. Newcastle on Tyne
Brodie, James, Elginshire
Brodrick, hon. W. Whitchurch
Brogden, James, Launceston
Brooke, Chas. Ivelchester
Brooke, lord, Warwick
Brooke, T. Newton, Lancashire
Browne, right hon. Denis, Mayo county
Browne, F. John, Dorsetshire
Browne, Is. Hawk. Bridgenorth
Bruce, Pat. Craufurd, Evesham
Bruce, lord, Marlborough
Buller, Edward, East Looe
Buller, James, Exeter
Buller, John, East Looe
Bullock, John, Essex
Bunbury, sir T. C. bt. Suffolk
Burdon, Rowl. Durham county
Burghersh, lord, Lime Regis
Burton, Francis, Oxford city
Burton, hon. F. Nath. Clare co.
Burton, Nap. Christie, Beverley
Butler, hon. Ch. Kilkenny city
Butler, hon. Jas. Kilkenny co.
Buxton, sir Rt. John, bt. Bedwin
Byng, George, Middlesex
Calcraft, John, Wareham
Calvert, John, Huntingdon
Calvert, Nicholson, Hertford
Campbell, Alex. Anstruther
Campbell, John, Rothsay
Campbell, lord Jn. D. E. H. Argyllshire
Canning, rt. hon. Geo. Tralee
Carew, rt. hon. Reg. P. Fowey
Cartwright, W. R. Northamptonshire
Castlereagh, vist. Boroughbridge
Cavendish, lord Geo. Aug. Hen. Derbyshire
Cavendish, Wm. Aylesbury
Caulfield, hon. H. Armagh co.
Chaplin, Chas. Lincolnshire
Chester, Chas. Castle-Rising
Chichester, lord Spencer Stanley, Carricfergus
Chinnery, sir B. bart. Bandonbridge
Cholmondeley, Tho. Cheshire
Chute, William, Hampshire
Clements, hon. J. Leitrimshire
Clephane, David, Kinross-shire
Clive, hon. Robert, Ludlow
Clive, Wm. Bishop's Castle
Cochrane, hon. sir Alex. Forrester, Dumfermlin, &c.
Cockerell, Charles, Tregony
Cocks, hon. Philip Jas. Ryegate
Codrington, Chris. Tewkesbury
Coke, D. Parker, Nottingham
Coke, Edward, Derby
Coke, Thos. Wm. Norfolk
Colborne, Nic. W. Ridley, Blechingley
Cole, hon. G. L. Fermanagh sh.
Combe, Harv. Chris. London
Cooke, Bryan, Malton
Cooper, Josh. Ed. Sligo county
Cornewall, sir Geo. A. bt. Herefordshire
Cornwallis, James, Eye
Cornwallis, hon. Wm. Eye
Corry, rt. hon. Isaac, Newry
Courtenay, John, Appleby
Cowper, hon. Edw. Spencer, Hertford
Cranley, visct. Guildford
Craufurd, Rt. East Retford
Creevey, Thomas, Thetford
Crosbie, Jas. Kerry county
Cumming, Geo. Fortrose
Curtis, sir Wm. bart. London
Curwen, Jn. Christian, Carlisle
Curzon, hon. Robt. Clitheroe
Cust, hon. John, Clitheroe
Dalkeith, earl of, St. Michael
Dallas, Rt. M. Kirkaldy, &c.
Daly, Denis B. Dalwayshire
Daly, James, Galway
Daniell, Ralph Allen, West Looe
Dashwood, sir H. W. bt. Woodstoc
Dawkins, James, Chippenham
Dawson, Rich. Monaghan co.
De Blaquiere, ld. K. B. Downton
Denison, John, Colchester
Dent, John, Lancaster
Devaynes, Wm. Barnstaple
Deverell, Robert, Saltash
Dick, Quintin, West Looe
Dickins, Frs. Northamptonshire
Dickinson, Wm. Somersetshire
Dickinson, W. jun. Lestwithiel
Dickson, Wm. Selkirk

Dillon, hon. H. Aug. Mayo co.
Dolben, sir W. bt. Oxford Univer.
Douglas, sir G. bt. Roxburghsh.
Douglas, marquis of, Lancaster
Drake, Th. Tyr. Agmondesham
Dugdale, Stratford Dugdale, Warwickshire
Duigenan, Patr. Armagh
Duncombe, Chas. Aldborough
Dundas, Charles, Berks
Dundas, hon. Charles Lau. Richmond
Dundas, hon. Laurence, York
Dundas-Saunders, hon. Rob. Edinburghshire
Dundas, rt. hn. W. Sutherlandsh.
Duncannon, visct. Knaresboro'
Dupré, James, Aylesbury
Durand, Jn. Hodson, Maidstone
Ebrington, visct. Barnstaple
Egerton, Wm. Tatton, Cheshire
Elford, sir Wm. bt. Plymouth
Elliot, hon. Wm. Leskeard
Elliot, rt. hon. Wm. Peterborough
Ellis, Chas. Rose, Seaford
Ellison, Richard, Lincoln
Elphinstone-Fleeming, hon. C. Stirlingshire
Erskine, hon. Dav. Montagu, Portsmouth
Erskine, sir Wm. bt. Fifeshire
Estcourt, Thomas, Criclade
Estcourt, T. Grimst. Devizes
Everett, Thomas, Ludgershall
Euston, earl of, Cam. University
Eyre, Ant. H. Nottinghamshire
Falkiner, F. J. Dublin county
Fane, Francis, Dorchester
Fane, Henry, Lime Regis
Fane, John, Oxfordshire
Farquhar, Jas. Brechin, &c.
Fellowes, hon. Newton, Andover
Fellowes, Robert, Norwich
Fellowes, W. H. Huntingdon
Ferguson, Jas. Aberdeenshire
Fetherstone, sir T. bt. Longford co.
Finch, hon. Edw. Cambridge
Fitzgerald, rt. hon. Jas. Ennis
Fitzgerald, rt. hon. M. Kerry co.
Fitzgerald, ld. Rt. S. Kildare co.
Fitzgerald, Rt. Un. Cork county
Fitzharris, visct. Horsham
Fitzhugh, Wm. Tiverton
Fitzpatrick, rt. hon. R. Tavistoc
Fitzroy, ld. Chas. Edmundsbury
Fletcher, sir H. bt. Cumberland
Foley, hon. Andrew, Droitwich
Foley, Thomas, Droitwich
Foljambe, F. Fer. Higham Ferrers
Folkes, sir M. B. bt. King's Lynn
Folkestone, visct. New Sarum
Fonblanque, John, Camelford
Forester, Cecil, Wenloe
Fortescue, W. C. Louth county
Foster, rt. hon. J. Louth county
Fox, rt. hon. C. J. Westminster
Francis, Philip, Appleby
Frankland, Wm. Thirsk
Frederick, sir John, bt. Surrey
French, Arth. Roscommon co.
Fuller, John, Sussex
Fydell, Tho. jun. Boston
Gamon, sir Rd. bt. Winchester
Gardner, lord, Westminster
Garland, George, Poole
Garlies, visct. Cockermouth
Garrow, William, Gatton
Gascoyne, Isaac, Liverpool
Geary, sir Wm. bart. Kent
Gibbs, sir Vic. kt. Totness
Giles, Dan. East Grinstead
Glassford, Henry, Dumbartonshire
Glenbervie, lord, Hastings
Goddard, Amb. Wiltshire
Godfrey, Thomas, Hythe
Golding, Edward, Plympton
Gooch, Th. Sherlock, Suffolk
Gower, lord G. L. Staffordshire
Gower, Edw. Leveson, Truro
Graham, sir Jas. bart. Ripon
Graham, Jas. Stranraer
Graham, Thomas, Perthshire
Grant, Chas. Inverness-shire
Grant, Francis, Wm. Cullen
Grant, right hon. sir Wm. knt. Bamffshire
Grattan, Henry, Malton
Greene, W. Dungarvan borough
Gregor, Francis, Cornwall
Grenfell, Pascoe, jun. Marlow
Grenville, rt. hn. T. Buckingham
Grevile, hon. R. Fulk, Windsor
Grimstone, hon. J. W. St. Alban's
Grosvenor, Richard Erle Drax, Chester
Grosvenor, Thomas, Chester
Gunning, G. W. Hastings
Hamilton, ld. A. Lanerkshire
Hamilton, sir C. bt. Dungannon
Hamilton, Hans, Dublin county
Hamilton, sir H. Dalrymple, bt. Ayrshire
Hammet, John, Taunton
Hamond, sir A. S. bt. Ipswich
Hardman, E. Drogheda co. &tn.
Harrison, John, Thetford
Hartopp, sir E. C. bt. Leicestersh.
Harvey, Eliab, Essex
Hawkins, sir C. bt. Grampound
Hawthorn, C. S. Downpatric
Heathcote, sir G. bt. Lincolnshire
Heathcote, John, Ripon
Heathcote, sir W. bt. Hampshire
Henderson, Ant. Bracley
Henniker, lord, Rutland
Herbert, hon. Chas. Wilton
Hill, sir Geo. Fitz, bt. Londonderry
Hill, John, Shrewsbury
Hill, sir Rich. bt. Shropshire
Hill, hon. Wm. Shrewsbury
Hilliard, Edward, Horsham
Hinchinbrooke, visct. Huntingdonshire
Hippisley, sir J. C. bt. Sudbury
Hobhouse, Benj. Grampound
Hodson, John, Wigan
Holdsworth, A. H. Dartmouth
Holford, G. P. Bossiney
Holland, H. jun. Okehampton
Holland, sir N. bt. Great Bedwin
Honeyman, Rt. Orkneyshire
Honywood, Filmer, Kent
Hope, hon. A. Linlithgowshire
Hope, hn. C. Haddingtonshire
Hope, W. J. Dumfriesshire
Horrocks, Samuel, Preston
Howard, Henry, Gloucester
Howick, visct. Northumberland
Huddleston, John, Bridgewater
Hughes, Wm. L. Wallingford
Hulkes, James, Rochester
Hume, W. H. Wicklow county
Huntingfield, lord, Dunwich
Hurst, Robt. Shaftesbury
Huskisson, Wm. Leskeard
Hussey, Wm. New Sarum
Hutchinson, hon. C. H. Cork
Jaffray, John, East Retford
Jeffery, John, Poole
Jekyll, Joseph, Calne
Jephson, Denham, Mallow
Jervis, T. Yarmouth, Norf.
Inglis, sir H. bt. Ashburton
Jodrell, Henry, Bramber
Johnes, Thos. Cardiganshire
Johnstone, George, Heydon
Jolliffe, Hylton, Petersfield
Jones, Th. Tyrwhitt, Athlone
Jones, Walter, Coleraine
Keane, sir Jn. bt. Youghall
Keck, G. A. L. Leicestershire
Keene, Whitshed, Montgomery
Kensington, ld. Haverfordwest
Ker, Rd. Gerv. Newport, Hants
King, hn. E. Roscommon county
King, Jn. Enneskillen
King, sir J. Dashwood, bt. Chipping-Wycombe
Kingston, John, Lymington
Kirkwall, visct. Heytesbury
Knight, Rich. Payne, Ludlow
Knox, hn. G. Trinity Col. Dub.
Kynaston-Powell, J. Shropshire
Ladbroke, Robt. Winchilsea
Lamb, hon. Wm. Leominster
Lambton, Ralph, Jn. Durham
Langham, Jas. St. Germain
Langston, John, Portarlington
Langton, W. G. Somersetshire
Lascelles, hon. E. Northallerton
Lascelles, hon. H. Yorkshire
Latouche, D. Catherlogh co.
Latouche, Jn. jun. Dublin city
Latouche, Pet. jun. Leitrim co.
Latouche, Rt. Kildare county
Laurence, F. Peterborough
Lawley, sir Rt. bt. Newcas. un. L.
Lee, Edw. Waterford county
Lefevre, Cha. Shaw, Reading
Le Fleming, sir M. bt. Westmorland
Leigh, J. H. Marlborough
Leigh, Robt. Holt, Wigan
Leland, John, Stamford
Lemon, John, Truro
Lemon, sir Wm. bart. Cornwall
Lenox, Charles, Sussex
Leslie, Ch. P. Monaghanshire
Leycester, Hugh, Milborne Port
Littleton, sir E. bt. Staffordshire
Loftus, Wm. Tamworth
Long, rt. hon. Cha. Wendover
Longfield, M. Cork city
Lopez, sir M. M. bt. New Romney
Lovaine, lord, Beeralston
Loveden, Edw. L. Shaftesbury
Lowther, Jas. Westmorland

Lowther, John, Cumberland
Lubbock, John, Leominster
Lushington, sir S. bt. Penryn
Luttrell, Jn. Fownes, Minehead
Lygon, Wm. B. Worcestershire
Macdonald, James, Dornoc
Macdowall, Wm. Renfrewshire
Mackenzie-Frazer, A. Cromartyshire
M'Mahon, John, Aldborough
Macnaghten, E. A. Antrim co.
Madocks, W. A. Boston
Magens, M. D. Ludgershall
Mainwaring, G. B. Middlesex
Maitland, John, Chippenham
Mann, sir Horace, bt. Sandwich
Manners, ld. C. S. Cambridgesh.
Manners, John, Ivelchester
Manners, ld. Rt. Scarborough
Manners, Robert, Cambridge
Manning, Wm. Lymington
Markham, John, Portsmouth
Markham, Osborne, Calne
Marsham, visct. Downton
Martin, James, Tewkesbury
Martin, Rich. Galway county
Mathew, visct. Tipperary co.
Mathews, Jn. M. D. Herefordsh.
Maule, hon. Wm. Forfarshire
Maxwell, Wm. jun. Wigtownshire
May, Edward, Belfast
Meade, hon. Rt. Downshire
Mellish, Wm. Great Grimsby
Metcalfe, Philip, Plympton
Metcalfe, sir T. T. bt. Abingdon
Middleton, sir W. bt. Ipswich
Milbanke, sir R. bt. Durham co.
Mildmay, sir H. P. S. bt. Winchester
Milford, ld. Pembrokeshire
Mills, Charles, Warwic
Mills, G. Galway, Wallingford
Mills, Wm. Coventry
Milner, sir W. M. bart. York
Mitford, Wm. Beeralston
Moffat, Wm. Winchilsea
Moncton, hon. Ed. Stafford
Montagu, ld. Fr. Huntingdonsh.
Montgomery, rt. hon. sir Jas. bt. Peebleshire
Moore, Charles, Heytesbury
Moore, Peter, Coventry
Mordaunt, C. Warwickshire
Morgan, rt. hon. sir Chas. bt. Breconshire
Morgan, Chas. Monmouthshire
Morland, Wm. Taunton
Morpeth, visct. Morpeth
Morris, Edw. Newport, Cornwall
Morris, Robt. Gloucester
Moyston, sir T. bart. Flintshire
Mundy, E. M. Derbyshire
Nepean, rt. hon. sir E. bt. Bridport
Neville, hon. Rich. Thirsk
Neville, Rich. Wexford
Newborough, lord, Beaumaris
Newcomen, hon. T. G. Longford county
Newport, rt. hon. sir John, bt. Waterford
Nicholl, sir John, knt. Penryn
Noel, Gerard Noel, Rutland
Norman, Rich. Bramber
North, Dudley, Banbury
Northey, Wm. Newport, Cornw.
Norton, hon. J. C. Guildford
O'Brien, sir E. bt. Clare county
Odell, Wm. Limerick county
O'Hara, Chas. Sligo county
Oliver, C. S. Limeric county
O'Neil, hon. J. R. B. Antrim co.
Orchard, Paul, Callington
Ord, William, Morpeth
Ormsby, C. M. Catherlogh
Osborne, ld. F. G. Lewis
Osborn, John, Bedfordshire
Ossulston, lord, Steyning
Paget, rt. hon. sir Arthur, K. B. Anglesey co.
Paget, hon. C. Milborne Port
Paget, hon. Edw. Carnarvon
Palk, sir Laur. bt. Devonshire
Palk, Walter, Ashburton
Palmer, John, Bath
Parnell, Henry, Queen's Co.
Parsons, rt. hon. sir Laur. bt. King's County
Patten, P. Newton, Lancashire
Patteson, John, Minehead
Paull, James, Newton, Hants
Paxton, sir W. knt. Carmarthen
Pedley, John, Hindon
Peel, sir Rt. bt. Tamworth
Peirse, Henry, Northallerton
Pelham, hn. C. A. Great Grimsby
Penn, Richard, Haslemere
Perceval, hon. S. Northampton
Petty, lord Henry, Cambridge University
Phipps, hon. Edm. Scarborough
Pierrepont, hon. C. H. Nottinghamshire
Pigot, sir Arthur, knt. Steyning
Pitt, Wm. Morton, Dorsetshire
Plumer, Wm. Herefordshire
Pocock, Geo. Bridgewater
Pole, sir C. M. bt. Newark
Pole, hon. W. W. Queen's County
Ponsonby, rt. hon. G. Wicklowshire
Ponsonby, hon. George, Kilkennyshire
Porcher, J. Dupré, Bodmyn
Porchester, lord, Criclade
Porter, George, Stockbridge
Portman, E. B. Boroughbridge
Poyntz, Wm. Steph. St. Alban's
Praed, Wm. St. Ives
Preston, sir Rt. bt. Cirencester
Price, sir Chas. bt. London
Price, Rich. New Radnor
Prinsep, John, Queenborough
Primrose, visct. Hellestone
Proby, visct. Buckingham
Pulteney, sir Js. bt. Weymouth,
Pym, Francis, Bedfordshire
Pytches, John, Sudbury
Raine, Jonathan, St. Ives
Ram, Abel, Wexford county
Rendlesham, ld. Castle Rising
Ridley, sir M. White, bt. Newcastle on Tyne
Robarts, Abram, Worcester
Robinson, Jn. Bishop's Castle
Robson, Rd. Bateman, Honiton
Rochfort, G. Westmeath county
Romilly, sir Sam. knt. Queenborough.
Rose, rt. hon. Geo. Christchurch
Rose, G. H. Southampton
Ross, sir C. bt. Ross-shire
Russell, Matth. Saltash
Russell, lord Wm. Surrey
Rutherford, Jn. Selkirkshire
Ryder, hon. Rd. Tiverton
St. John, Ambrose, Callington
Salisbury, sir Rt. bt. Brecon
Sargent, John, Bodmyn
Savage, Francis, Down county
Savile, Christopher, Heydon
Saunderson, Francis, Cavan co.
Scott, Claude, Malmesbury
Scott, David, Yarmouth, I. W.
Scott, Joseph, Worcester
Scott, Samuel, Malmesbury
Scott, rt. hon. sir William, knt. Oxford University
Scudamore, R. P. Hereford
Seymour, lord Robert, Orford
Shafto, Rt. E. Durham city
Shakespeare, Arth. Richmond
Shaw, Robert, Dublin
Sheldon, Ralph, Wilton
Shelley, Henry, jun. Lewes
Shelley, Tim. New Shoreham
Sheridan, R. B. Stafford
Sibthorp, Hum. W. Lincoln
Simpson, hon. John, Wenloc
Sinclair, sir Jn. bart. Buteshire
Sitwell, Francis, Berwick
Sloane, Hans, Lestwithiel
Smith, Charles, Westbury
Smith, George, Midhurst
Smith, John, Wendover
Smith, John Spencer, Dover
Smith, Joshua, Devizes
Smith, Samuel, Leicester
Smith, Tho. Asheton, Andover
Smith, William, Norwich
Smith, Wm. Westmeath county
Smith, sir William Sidney, knt. K. C. Rochester
Smyth, rt. hn. John, Pontefract
Sneyd, Nath. Cavan county
Somerset, lord Arth. Monmouthshire
Somerset, lord C. H. Monmouth
Somerset, ld. R. E. H. Gloucestershire
Somerville, sir M. bt. Meath co.
Spencer, lord F. A. Oxfordshire
Spencer, lord Rt. Tavistoc
Stanhope, W. Spencer, Carlisle
Staniforth, J. Kingston-on-Hull
Stanley, lord, Preston
Stanley, Thomas, Lancashire
Steele, Robt. Weobly
Steele, rt. hon. Thos. Chichester
Stephens, sir Ph. bt. Sandwich
Stewart, G. T. Weymouth, &c.
Stewart, hon. C. W. Londonderry county
Stewart, sir J. bt. Donegall co.
Stewart, Jas. Tyrone county
Stewart, rt. hon. sir John, bart. Tyrone county
Stewart, hon. M. Kircudbright

Stopford, visct. Annan
Strachey, sir Hen. bt. East Grinstead
Strahan, Andrew, Wareham
Strutt, Joseph Holden, Malden
Stuart, ld. Wm. Cardiff
Stuart, W. J. S. Bossiney
Stuart, sir Jn. bt. Kincardineshire
Sturges-Bourne, Wm. Christchurch
Sudley, visct. Donegall county
Sullivan, rt. hon. Jn. Aldberough
Sullivan, sir R. J. bt. Seaford
Symonds, T. P. Hereford
Talbot, sir Ch. H. bt. Rye
Tarleton, Banastre, Liverpool
Taylor, Ch. Wm. Wells
Temple, earl, Bucks
Templetown, visct. St. Edmundsbury
Thellusson, Chas. Evesham
Thellusson, Geo. W. Tregony
Thomas, Geo. White, Chichester
Thornton, Henry, Southwark
Thornton, Robt. Colchester
Thornton, S. Kingston on Hull
Thoroton, Thomas, Grantham
Thynne, lord Geo. Weobly
Thynne, John, lord, Bath
Tierney, rt. hon. G. Southwark
Tichfield, marquis of, Bucks
Tottenham, Ponsonby, NewRoss
Townshend, ld. J. Knaresboro'
Townshend, hon. W. A. Whitchurch
Trail, James, Orford
Trevenion, John, Dover
Troubridge, sir Thos. bt. Yarmouth, Norfolk
Tudway, Clement, Wells
Turnor, Edm. jun. Midhurst
Tyrwhitt-Drake, Thos. Drake, Agmondesham
Tyrwhitt, Thos. Plymouth
Vansittart, Arth. jun. Windsor
Vansittart, Geo. Berkshire
Vansittart, rt. hon. N. Old Sarum
Vaughan, hon. John, Cardigan
Vaughan, sir Rt. W. bt. Merionethshire
Vereker, Chas. Limeric
Wallace, rt. hon. Tho. Hindon
Walpole, hon. Geo. Derby
Walpole, hon. H. King's Lynn
Walsh, sir J. B. bt. Blechingly
Ward, hon. J. W. Worcestershire
Ward, Robt. Cockermouth
Warren, rt. hon. sir J. B. bt. K. B. and K. C. Nottingham
Watson, hon. Geo. Canterbury
Wedderburn, sir D. bt. St. Andrew's
Welby, sir W. E. bt. Grantham
Wellesley, hn sir Arth. K. B. Rye
West, hon. Fred. Denbigh
Western, Cha. C. Malden
Wharton, John, Beverley
Whitbread, Samuel, Bedford
White, Matthew, Hythe
Whitmore, John, Bridgenorth
Wickham, rt. hon. Wm. Cashell
Wigram, sir Robert, bt. Fowey
Wilberforce, Wm. Yorkshire
Wilkins, Walter, Radnorshire
Willet, Jn. W. New Romney
Williams, J. H. Carmarthenshire
Williams, Owen, Marlow
Williams, sir Rt. bt. Carnarvonshire
Williams, Rt. Wootton Basset
Williams, Watkin, Flint
Willoughby, Henry, Newark
Windham, rt. hon. W. St. Mawes
Wood, George, Haslemere
Wood, Mark, Gatton
Wright, J. A. Oxford city
Wrottesley, sir Jn. bt. Lichfield
Wyndham, Hen. P. Wiltshire
Wyndham, T. Glamorganshire
Wynne, sir W. W. bt. Denbighshire
Wynne, C. W. W. Montgomeryshire
Wynne, Owen, Sligo
Yarmouth, earl of, Lisburne
Yorke, hon. sir Joseph Sidney, knt. Ryegate
Yorke, rt. hon. C. Cambridgeshire
Young, sir Wm. bt. St. Mawes

THE

Parliamentary Debates

During the Fourth Session of the Second Parliament of the United Kingdom of Great Britain and Ireland, and of the Kingdom of Great Britain the Nineteenth, appointed to meet at Westminster, the Twenty-first Day of January, 1806, in the Forty-sixth Year of the Reign of King GEORGE the Third. [*Sess.* 1806.

HOUSE OF LORDS.

Tuesday, January 21, 1806.

The session of parliament was opened this day, by commission; the commissioners were, the lord chancellor, the archbishop of Canterbury, lord Ellenborough, chief justice, the earl of Dartmouth, lord chamberlain, and lord Hawkesbury, principal secretary of state for the home department. A little after three, the lords commissioners took their seats on the woolsack, and the Commons, pursuant to message, having attended, with their speaker at the bar, the lord chancellor informed them, that his majesty had been pleased to direct his commission to certain lords therein named, to open the session, which commission they should hear read, and afterwards his majesty's most gracious speech. The commission was then read by the clerk at the table; and the lord Chancellor then read the Speech, as it here follows:

" *My Lords and Gentlemen,*

" In pursuance of the authority given to us by his majesty's commission, under the great seal, amongst other things to declare the cause of his holding this parliament, his majesty has directed us particularly to call your attention to the most decisive success with which Providence has vouchsafed to bless his majesty's arms at sea, since you were last assembled in parliament.—The activity and perseverance of his majesty's fleets have been conspicuously displayed, in the pursuit and attack of the different squadrons of the enemy; and every encounter has terminated to the honour of the British flag, and the diminution of the naval force of the powers with whom his majesty is at war; but the victory obtained over the combined fleet of France and Spain, off Cape Trafalgar, has manifested, beyond any exploit recorded even in the annals of the British navy, the skill and enterprize of his majesty's officers and seamen; and the destruction of so large a proportion of the naval strength of the enemy has not only confirmed, in the most signal manner, the maritime superiority of this country, but has essentially contributed to the security of his majesty's dominions.—His majesty most deeply regrets, that the day of that memorable triumph should have been unhappily clouded by the fall of the heroic commander under whom it was achieved; and he is persuaded, that you will feel that this lamented, but glorious termination of a series of transcendent exploits, claims a distinguished expression of the lasting gratitude of the country, and that you will therefore cheerfully concur in enabling his majesty to annex to those honours which he has conferred on the family of the late lord viscount Nelson, such a mark of national munificence as may preserve, to the latest posterity, the memory of his name and services, and the benefit of his great example. His majesty has commanded us further to inform you, that, whilst the superiority of his arms at sea has been thus uniformly asserted and maintained, he has not been wanting in his endeavours to apply the means, which were so liberally placed at his disposal, in aid of such of the powers of the Continent as evinced a determination to resist the formidable and growing encroachments of France. He has directed the several treaties entered into for this purpose to be laid before you; and though he cannot but deeply lament, that the events of the war in Germany have disappointed his hopes, and led to an unfavourable issue, yet his majesty feels confident, that, upon a review of the steps which he has taken, you will be of opinion, that he has left nothing undone, on his part, to sustain the efforts of his allies, and that he has acted in strict conformity to the principles declared by him, and recognized by parliament as essential to the interests and security of his own dominions, as well as to the general safety of the Continent.—It is a great consolation to his majesty, and one in which he is persuaded you will participate, that although the emperor of Germany has felt himself compelled to withdraw from the contest, his majesty continues to receive from his august ally the emperor of Russia the strongest assurances of unshaken adherence to that generous and enlightened policy by which he has hitherto been actuated; and his Majesty has no doubt that you will be fully sensible of the important advantages to be derived from preserving, at all times, the closest and most intimate connection with that sovereign.

" *Gentlemen of the House of Commons,*

" His majesty has directed the estimates for the year to be laid before you, and has commanded us to assure you, that they are framed upon that scale of exertion which the present situation of the country renders indispensable. His majesty fully relies upon your granting him such supplies as, upon due deliberation, the public exigencies may appear to require.—It is his earnest wish to contribute, by every means in his power, to alleviate the additional burthens which must necessarily be imposed upon his people, and with this view he has directed the sum of one million sterling, part of the proceeds arising from the sale of such prizes made on the powers with whom he is at war, as are by law vested in the crown, to be applied to the public services of the year.

" *My Lords and Gentlemen,*

" His majesty is fully persuaded, that whatever pride and confidence you may feel in common with him in the success which has distinguished the British arms in the course of the present contest, you will be sensible how much the events of the war on the Continent, by which the predominant power and influence of France have been so unhappily extended, require the continuance of all possible vigilance and exertion. Under this impression, his majesty trusts that your attention will be invariably directed to the improvement of those means which are to be found in the bravery and discipline of his forces, the zeal and loyalty of every class of his subjects, and in the inexhausted resources of his dominions, for rendering the British empire invincible at home, as well as formidable abroad; satisfied that by such efforts alone the contest can be brought to a conclusion consistent with the safety and independence of the country, and with its rank among the nations of the world."

The commons having retired, the lords commissioners withdrew to unrobe, and, shortly after, lord Ellenborough took the seat on the woolsack, the lord chancellor's state of health not permitting him to sit out the expected debate. At four o'clock earl Nelson, preceded by sir Isaac Heard garter king at arms, the duke of Norfolk earl marshal, and lord Auckland, and supported by the earls of Macclesfield and Bristol, was introduced to the house. His majesty's royal letters patent were delivered in at the table by garter, and read by the clerk. The marquis of Lansdowne, marquis Wellesley, and lord St. John, also took the oaths and their seats; this being the first time of their appearing in their place in parliament since their accession to their present titles.—A bill was then brought in by lord Walsingham, and read a first time, according to the established usage of the house, previous to the speech being taken into consideration. His majesty's most gracious speech was then read by lord Ellenborough from the woolsack, and afterwards by the clerk at the table, after which

The Earl of *Essex* rose, to move an address of thanks to his majesty for the speech that had been just read. His lordship lamented, that this necessary duty had not devolved to some noble lord better qualified than himself to fulfil the task. He, however, had that confidence in the kindness and liberal feelings of their lordships, that they would extend the same indulgence to him, which persons who were not accustomed to address their lordships generally obtained. He would not detain their lordships for any considerable length of time, but content himself with briefly adverting to the principal features in the speech. The nature of the speech was such as, in his opinion, to preclude the possibility of any opposition to the address which he should have the honour of moving. With respect to the magnitude and importance of the successes which his majesty's arms had obtained, it was impossible there could be any difference of opinion in that house. The activity and perseverance which had been displayed in pursuing the fleets of the enemy, the vigour with which they were attacked when found, and the admirable skill with which that attack was directed, were among the most brilliant achievements in the naval annals of England. Great as the victory of Trafalgar was, the universal sorrow with which the intelligence of the heroic commander who fell in it was received by the country, proved that the triumph of that day had not been cheaply purchased. Venerating, as their lordships undoubtedly must, the services, the character of the immortal commander of the British fleet upon that occasion, with the sentiment which every one must feel of the great services which he had rendered to the country, asserting at once the supremacy of its naval power, and providing, by the almost total destruction of the combined fleet, for its safety, it was impossible that any one in the house could feel disposed to oppose that part of his majesty's speech, which recommended to parliament to enable his majesty to annex to the honours which he had conferred on the family of that great commander a fit mark of the national munificence.—The unexpected and disastrous events which had taken place in Germany must be the subject of deep regret to every noble lord, who wished to see the overbearing ambition of France confined within limits consistent with the peace and tranquillity of the rest of Europe. It, however, should be no small consolation to this country, that nothing had been left undone that depended upon her to ensure the success of the allied arms; and that though his majesty the emperor of Germany had been compelled to abandon the contest, we had still an unshaken, a magnanimous, and a powerful ally in the emperor of Russia. In the propriety of maintaining the closest connection with that great sovereign, he was persuaded their lordships would concur with the recommendation in the speech. There was only one point upon which he would detain the house, and which, though not introduced into his majesty's speech, he hoped to be able to obtain the approbation of their lordships to insert in the address. He wished that some compliment of condolence should be offered to his majesty, upon the decease of his royal brother the late duke of Gloucester. With the amiable and excellent qualities of that much esteemed person, many of their lordships had been familiar for a number of years, and he was confident they would not be averse to express the high sense which they entertained of his virtues, and to condole with his majesty on that melancholy occasion. The noble earl concluded with moving, "That an humble address be presented to his majesty", which address was, as usual, an echo of his majesty's speech, and nearly the same as that which we insert in this day's proceedings of the house of commons; see page 15.

Lord *Carleton* rose to second the address, and spoke nearly as follows:—My lords, the address to which your lordships are now called on to give your assent, and which I hope will meet with your unanimous concurrence, does not pledge the house to any specific line of proceeding; and therefore, I trust, none of your lordships will object to it. Most of the topics alluded to in his majesty's speech are such as must meet your concurrence. The glorious victory of Trafalgar is an event of such magnitude and importance, that it is hardly possible for the imagination to conceive any other more transcendent: it is superior to almost every other naval action for which our history is so famous. The unparalleled valour displayed by all the individuals engaged in that action, and the unexampled ability and skill with which it was conducted, has been a subject of admiration to this country and the whole world. Never was so great an enemy so completely destroyed. The naval skill and the valour displayed on that glorious occasion was never equalled, and will never be surpassed. Every man who recollects the signal given by the hero who achieved the successes, "England "expects that every man will do his duty," must be struck with a still higher degree of admiration of his character. We never can speak or think with sufficient admiration of this great victory, nor sufficiently lament the fate of him whose great mind planned the attack that was crowned with such brilliant success. I have thus far expressed my feelings on this subject, because I wish to direct your attention to the importance of that part of his majesty's speech, which recommends a munificent recompence to the representatives of the deceased hero, to whom every individual in the country, from the highest to the lowest, is so greatly indebted for his security. Your lordships, I trust, will have no objections to concur in the expressions of condolence on the death of a most illustrious and amiable prince, who was nearly allied, and so dear to his majesty; I mean the late duke of Gloucester. With respect to that part of the address which relates to the share which the government had in the late events on the continent, the present is not the proper time to discuss it; and when that discussion comes on, I hope the conduct of his majesty's government will appear perfectly justified. I also am confident we may grant further powers to government, with a complete reliance that they will faithfully execute the trust reposed in them. Notwithstanding the unfortunate turn which affairs have taken on the continent, we cannot but applaud the enlightened policy of the emperor of Russia in the line of conduct he has pursued, and entertain the most sanguine hopes of deriving benefit from his co-operation and friendship hereafter. That illustrious prince was determined not to make an ignominious peace. The interests of Russia and this country have always been, and will ever continue to be the same. And from this community of interests, and their mutual friendship, the happiest consequences may be expected. Your lordships, I am confident, must all feel the necessity of prosecuting the war with vigour, as the only means by which we can ever expect to possess security or peace. You must feel the magnitude of the stake we are contending for. But you must all feel besides how great are the resources, the power, wealth, and commerce of this country. Never was its commerce in a more flourishing state. And, what is still greater than all, our spirit is unsubdued, our valour is intire. Such a nation, by making vigorous efforts, must be invincible. Under all these impressions, I trust, there is not one among your lordships who will not cheerfully concur in the present address.

Earl *Cowper* said, that he did not rise to offer any opposition to the motion now before their lordships. He was anxious, however, that it should be understood, that his own conduct, and that of other noble lords, in abstaining from expressing their sentiments on this occasion, should not be attributed to an entire concurrence in all the observations which had been made by the noble mover and seconder. The fact was, that he had come down to the house with a determination to move an amendment upon the motion for the address; but he was induced to postpone it, from the consideration, solely, of the indisposition of a right hon. gentleman at the head of his majesty's councils. He felt that, as the address did not in itself pledge noble lords to any thing, upon which there could be any great difference of opinion, it was rather a point of delicacy to offer any proposition, under the present circumstances, leading to a discussion, in which must necessarily be involved the conduct of the right hon. gentleman alluded to. Having said thus much, he should satisfy himself, for the present, with reading the amendment which he had drawn up. His lordship then read over the amendment. The purport of it tended to express the deep concern which the house felt at the disasters recently sustained by his majesty's allies on the Continent: and to assure his majesty, that the house would take the earliest opportunity of enquiring into the causes of these disasters, so far as they might be connected with the conduct of his majesty's ministers; and to suggest such measures as should appear to be necessary for averting the dangers which threatened this country. His lordship concluded with giving notice, that on Monday next he should submit a motion, embracing the substance of the amendment which he had just read.

Lord *Grenville* rose to return thanks to the noble lord, who had just sat down, for the sentiments which he had expressed. The situation of the country was, in his view of it, such as to call for the most prompt and attentive consideration. That consideration ought, most certainly, to be no longer postponed than was necessary to put their lordships completely in possession of the subjects which demanded their most serious enquiry. It was desirable that their lordships' decision should be preceded by the most complete investigation; but, for his own part, he confessed, that some of the topics connected with the present state of the country were so urgent, that any delay in bringing them under discussion could be justified only by the motive which influenced the conduct of the noble lord below him. There was not a man of liberal ideas, but must feel the deepest regret for the indisposition of the individual to whom he alluded. If such must be the feeling of that noble lord, and of every other man, how much more forcibly must that sentiment of regret be felt by himself, who had passed so many years of his life in the most intimate connection with the right hon. gentleman? At the same time that he thus felt himself bound to express his gratitude to the noble lord, for the motive which inclined him to postpone his intended amendment, he was also called upon to thank him, for his determination to bring forward the subject on an early day. For the rest, he had no intention of trespassing on their lordships' time at present, by any observation on what had fallen from the noble lords who moved and seconded the address. There could not be the slightest difference of opinion, with respect to that part of the address, which related to the victory off Trafalgar: every man must concur in any measure, calculated to evince the sense which the nation entertains of the brilliant and meritorious services of the late lord viscount Nelson, and to enable his majesty to make the most splendid provision for those to whom his honours had devolved. He was happy to find that the address pledged their lordships to no approbation of the conduct of government. That was a question which called for future deliberation. He should be the last man in the world to express any unfavourable opinion on the actions of others, until he had grounds for forming that opinion. When the subject came fairly under the consideration of the house, he should state that view of it with which his mind was impressed.

Lord *Hawkesbury* expressed his acquiescence in most of the observations which had fallen from the two noble lords who had spoken last. To both, and particularly to the noble lord who had just sat down, he gave the fullest credit for the motives which had induced them to wave any discussion of the measures of government, at the moment when his right hon. friend, the chancellor of the exchequer, was labouring under a severe indisposition. There was not an Englishman but must experience the sincerest regret at the indisposition of an individual who was the admiration, not only of his own country, but of the world; and he could well believe, that the impression which it made on the feelings of the noble lord, must be increased in a degree proportioned to the sincere friendship which had long subsisted between them, and the more intimate opportunities which he had had of appreciating his transcendent merits. He could, however, assure their lordships, that his majesty's ministers were then fully prepared, should it be the pleasure of the house, to enter into the most comprehensive discussion of their conduct. But he would, at the same time, freely state, that his majesty's speech was intentionally couched in such language as it was supposed would create no difference of opinion as to the terms of the address. Ministers felt, that the existing state of affairs required the most ample communications on their part; and they were anxious only to delay any discussion until such communications could be laid before parliament. Under such circumstances, he could not avoid observing, that it would be a departure from all precedent in parliamentary usage, to precipitate a discussion. When ministers called for the opinion of the house, without laying any information before them, or what was conceived to be imperfect information, it was then indeed customary to oppose their propositions on those specific grounds; but he never knew an instance when it was attempted to force a discussion on points, respecting which ministers were desirous of previously communicating information to parliament.

Lord *Mulgrave* complimented the two noble lords on the motives which induced them to abstain from then discussing the conduct of his majesty's ministers. He, however, expressed his conviction that that conduct, when the requisite information was before the house, would meet their unanimous approbation. It would be found such as would place in the most conspicuous point of view, the character of the government and of the country. Notwithstanding the unfortunate result of the efforts of our allies on the continent, he pledged himself, that the issue of the most ample investigation, upon the documents which it would be his duty to lay before their lordships, would be a general concurrence in his opinion, that there was not a single measure which could have been prospectively suggested, that had been omitted; nor one adopted, which, upon the most deliberate review of all the events that had occurred, it would have been desirable to retract. Having given this pledge to their lordships, and adverting to the desire expressed by his noble friend (lord Grenville) that the house should be fully in possession of every thing which related to those measures, before their lordships should proceed to the discussion of them, he would suggest to the noble earl, who gave notice of a motion for Monday next, whether it would not be advisable to postpone it for a few days longer. He was not certain, that it would be in his power by that day, to lay before the house all the documents which it might be deemed advisable to submit to its consideration; at any rate it was impossible that the house should then be so fully in possession of their contents, as to enable it to proceed to a discussion of them.

Lord *Grenville* said, that his noble friend seemed to interpret what had fallen from him in a larger sense than he intended. He was unwilling that their lordships should separate under the impression, that he conceived all discussion upon the state of affairs should be forborne until the communications alluded to were laid before parliament. These communications, so far as the character of his majesty's ministers was implicated in the transactions on the continent, were certainly indispensibly requisite to enable the house to come to a correct decision on their conduct. But there were various other topics connected with the present situation of the country, which called for the consideration of parliament with the least possible delay; and as these would, no doubt, be adverted to by the noble earl below him on Monday, he would certainly, so far as his opinion went, recommend it to that noble lord to persist in the notice which he had given.—The motion being then put from the woolsack, was agreed to, *nem. diss.* and a committee appointed to draw up an address accordingly. The committee returned in a few minutes after, and presented a copy of the address, which was unanimously adopted; and the lords with white staves, were appointed to wait on his majesty, to know when he would be pleased to receive the same.

[CONDUCT OF JUDGE FOX.] The Marquis of *Abercorn* called their lordships' attention to the state of the proceedings in the case of Mr. justice Fox. It was necessary, as well for the sake of the person accused, as for the sake of those concerned in the accusation, that the time in which their lordships may be able to take up, and proceed with, the business, should be specified; for his part, he was prepared to come forward with the evidence, relative to whatever concern he might have in the business, as soon as the pleasure of the house should be known in that respect.

Lord *Carleton* made several observations in consequence of what fell from the noble marquis; but, in such a tone of voice, as that the far greater part of what he said, was inaudible at the bar. In the outset, he expressed his concurrence in the propriety of what the noble lord said, as to the period for proceeding with the business, being fixed with certainty.—Lord Hawkesbury gave notice, that on Friday he should move a vote of thanks to lord Collingwood and sir Richard Strachan, and the officers and seamen under their command, in the recent actions off Trafalgar and Rochefort.—Earl Darnley stated his intention to take an early opportunity, of moving for an account of the number of men raised by the parish officers, under the Additional Force Act.—On the motion of lord Hawkesbury, lord Walsingham was appointed chairman of all their lordships' committee, during the present session.—Adjourned.

HOUSE OF COMMONS.

Tuesday, January 21.

The house met this day pursuant to his majesty's proclamation, for the dispatch of business. At three o'clock Mr. Quarme, yeoman usher of the black rod, appeared within the bar, and informed the house that the lords, authorised by virtue of his majesty's commission, desired the immediate attendance of the house, in the house of peers, to hear the commission read. The Speaker, accompanied by several members, accordingly attended. On their return, the Speaker took the chair, and acquainted the house, that, in pursuance of the directions of an act, passed in the 24th year of his present majesty, he had issued his warrants to the clerk of the crown, to make out new writs for the election of members to serve in parliament for the following places: *viz.* for the city of Gloucester, in the room of John Pitt, esq. deceased; for the district of burghs of St. Andrew's, Perth, Dundee, Cupar, and Forfar, in the room of David Scott, esq. deceased; for the county of Monmouth, in the room of James Rooke, esq. deceased; for the borough of Boroughbridge, in the room of the hon. John Scott, deceased; and also, that he had issued his warrant to the clerk of the crown in Ireland, to make out a new writ for the election of a member to serve in parliament for the county of Waterford, in the room of the right hon. John Beresford, deceased.—Lord Castlereagh and several other members took the oaths and their seats.—The bill for preventing clandestine Outlawries was, according to custom, read a first and ordered to be read a second time.—New writs were ordered for the following places: *viz.* Dunwich, in the room of S. Barne, esq. who, since his election, had accepted the office of the lord treasurer's remembrancer in the court of exchequer; for Queen's County, Ireland, in the room of sir Eyre Coote, who had accepted of the situation of lieutenant-governor of Jamaica; for Dunbartonshire, in the room of sir J. Colquhoun, who had accepted the Chiltern hundreds; for Bedfordshire, in the room of the hon. St. A. St. John, called up to the house of peers: for Leominster, in the room of the hon. C. Kinnaird, now a peer of the United Kingdom, and for Yarmouth, in Southampton, in the room of sir Home Popham, who had accepted the Chiltern hundreds.

[THE LORDS COMMISSIONERS' SPEECH.] The *Speaker* acquainted the house, that the house had this day been at the house of peers, at the desire of the lords commissioners appointed under the great seal, for opening and holding this present parliament; and that the lord high chancellor, being one of the said commissioners, made a speech to both houses of parliament; of which he had, to prevent mistakes, obtained a copy.—He then proceeded to read the speech from the chair, for which we refer to our report of the proceedings of the lords, see p. 1. After the Speaker had finished reading the speech,

Lord *Francis Spencer* rose, and spoke as follows:—I rise, sir, for the purpose of moving an humble address to his majesty, in answer to his gracious speech, in which address I trust I shall have the unanimous concurrence of the house. For those brilliant successes of his majesty's arms by sea, which have so eminently distinguished the naval history of the past year, I am confident the house will fully coincide in the sentiments expressed in his majesty's speech; but, above all, in what relates to the glorious and ever-memorable victory off cape Trafalgar, under the gallant and justly regretted hero who achieved that proud triumph for his country before he had nobly fallen in her cause, and left her to deplore a loss, in which, I am convinced, every man who hears him, sincerely participates the concern expressed by his majesty: and I feel the strongest reliance that the house, in its liberality, and justice to the memory of that great and gallant commander, will cheerfully meet the royal wishes, and enable his majesty to add to the honours already conferred upon his family such signal rewards as shall mark the public gratitude for the important victories, and the public security which the nation so eminently owes to his prowess. But, sir, while the country has such proud and distinguished cause of triumph in her naval successes during the last year, and more particularly in that of the victory off cape Trafalgar, I am confident the house must deeply participate in those feelings of regret, expressed by his majesty, for the reverses sustained by our allies on the Continent, and the melancholy issue of the late campaign. At the same time the house and the country must feel high consolation in the manly conduct, and the unshaken attachment manifested by our faithful ally, the emperor of Russia, to those principles and that enlightened policy, which have uniformly distinguished his reign: a circumstance, which still affords us reasonable ground to hope, that affairs on the Continent may yet be brought to a favourable issue. In the crisis, however, in which this country now stands, we have nothing to fear from the haughty menaces, or the insatiable ambition of the common enemy, while defended by the known loyalty and valour of his majesty's subjects, and the unexhausted resources of this empire; in the vigorous application of which, I am confident the wisdom and spirit of the house will cheerfully co-operate with his majesty, for maintaining the contest in such a manner, as to sustain the country in her wonted rank amongst the nations of Europe, and for bringing the present arduous contest to an honourable and advantageous conclusion. Without troubling the house any farther, I shall conclude, sir, with moving, "That an humble address be presented to his majesty, to return his majesty the thanks of this house for the gracious speech delivered by his majesty's command to both houses of parliament:—To express to his majesty our sincere condolence for the loss which his majesty and the royal family have sustained by the death of his late royal brother the duke of Gloucester:—To assure his majesty, that we have not failed to observe, with satisfaction, the unwearied activity and perseverance of his majesty's fleets in the pursuit of the squadrons of the enemy, which have led, in every encounter, to a diminution of their force:—But that we beg especially to offer his majesty our warmest congratulations upon that unexampled victory over the combined fleets of France and Spain off cape Trafalgar, with which Providence vouchsafed to bless his majesty's arms, under the command of the late lord viscount Nelson:—And, while we feel, with pride and exultation, that the skill and enterprize of his majesty's officers and seamen have thus signally confirmed the maritime superiority of this country, and so essentially contributed to the security of his majesty's dominions, we participate in the deep regret expressed by his majesty, that the day of that memorable triumph should have been clouded by the fall of the heroic commander by whom it was obtained:—That we are fully sensible that this lamented but glorious termination of a series of transcendent atchievements claims a distinguished expression of the lasting gratitude of the country; and to assure his majesty, that we shall proceed, with heartfelt satisfaction, to enable his majesty to annex to those honours he has been graciously pleased to confer upon the family of the late lord viscount Nelson, such a mark of national munificence, as may preserve to the latest posterity the memory of his name and services, and the benefit of his great example:—That we beg leave to return his majesty our humble thanks, for having been graciously pleased to direct to be laid before us copies of the several treaties which have been entered into by his majesty with such of the powers on the Continent as had evinced a determination to resist the formidable and growing encroachments of France, and to assure his majesty that we shall proceed to take them into our most serious consideration:—That while we deeply lament that the events of the war on the continent have led to an unfavourable issue, we feel, in common with his majesty, the consolation to be derived from the assurances his majesty continues to receive, from his august ally the emperor of Russia, of his unshaken adherence to that generous and enlightened policy by which he has hitherto been actuated; and that we are fully sensible of the great importance of preserving at all times an intimate connection with that sovereign:—To assure his majesty, that we shall proceed to grant such supplies as in the present posture of affairs the public exigencies may appear to require; and that we beg to return his majesty our humble thanks for the gracious and tender concern manifested for the welfare of his people, in having directed the sum of one million sterling, part of the proceeds arising from the sale of such prizes made on the powers with whom we are at war, as are by law vested in the crown, to be applied in aid of the public service:—That we assure his majesty, that the pride and confidence we feel in the success of his majesty's arms, has not diminished our sense of the necessity of unabated vigilance and exertion; and that his majesty may firmly rely upon our attention being invariably directed to such measures as may appear best adapted to the improvement of those means, which are to be found in the bravery and discipline of his forces, the zeal and loyalty of every class of his subjects, and the unexhausted resources of his dominions, for rendering the British empire invincible at home, as well as formidable abroad; convinced that by such efforts alone the contest in which we are engaged can be brought to a conclusion consistent with the safety and independence of the country, and with its rank among the nations of the world."

Mr. *Ainslie* seconded the motion, in a short speech, in which he observed, that the events which had taken place on the continent, had been rapid and unexpected; and that France had acquired by war, in a short space of time, those accessions to her power and territory, which she had before been gaining under the mask of peace. Still, however, we had to console ourselves with the pleasing reflection, that our own national character remained unsullied, and our resources unimpaired. Although our commerce might suffer some little injury by the occupation of such a large part of Europe by hostile armies, yet experience had frequently shewn, how difficult it was, with every exertion and every restriction that tyranny could avail itself of, to prevent the introduction into foreign states of those productions of British growth and manufacture which were so much needed by them. The armies of the foe were now rapidly marching to avenge, what they termed the perfidy of this country, but he trusted the house would assure his majesty, that an independent and gallant nation like great Britain, could not be intimidated by any menaces that might be thrown out against it. With regard to the victory off cape Trafalgar, and the regret for the hero who had achieved it, it was impossible that two opinions could exist in the house, or in the country. The exigencies of the times certainly required great efforts, and great sacrifices. His majesty, with that paternal solicitude for his people, which had ever distinguished his conduct, had set a noble example, which well deserved the most grateful acknowledgments of the country. Our freedom, our enjoyments, and, above all, the power which we possessed of repressing the ambitious views of the emperor of the French, were, with him, the most heinous political sins. He had no doubt, however, that if Providence continued that fostering attention to this nation, with which it had so long been favoured, that we should yet be enabled to bring the arduous contest in which we were engaged, to a safe and honourable termination.

Lord *Henry Petty* rose and addressed the house as follows:—To that part of the proposed address which relates to the glorious victory off cape Trafalgar, and the respect to be paid to the memory of the hero whose loss the country has to deplore on the occasion of that memorable day, I am sure there is none in this house can have any objection. When alive, he united all men around him in the cause of his country; and now he is no more, all men are and ought to be animated with but one sentiment and one feeling, to honour and perpetuate his memory. But to the other parts of the address, I cannot so freely give my assent; and it was, therefore, my intention to have submitted an amendment thereto, which I conceive more consistent with the alarming state to which the country has been brought, and more consistent with my own feelings on the subject. But reports have reached my ears, and must have reached the ears of other members of this house, which would render the discussion to which the proposal of such an amendment must have led, so painful to my feelings, so painful to the feelings of the house, and to the feelings of the individuals whose conduct must be more peculiarly implicated in the investigation, that I have thought it better, for the present, to wave any amendment. That it may be known, however, what are the feelings in which I arraign the conduct of ministers, which I am convinced are also the feelings of a great majority of this house, and of the country, I beg leave to read the amendment. It was this: 'That this house 'feels the deepest concern at the series of 'disasters which have attended the arms 'of your majesty's allies on the Continent, 'and will, without delay, proceed to enquire into the cause of such disasters, 'as far as they may be connected with 'the conduct of your majesty's ministers. 'This house is perfectly sensible that the 'alarming and unexampled state of public 'affairs renders the most vigorous exertions necessary for the preservation of the 'Empire; and we feel it our peculiar 'duty, when we call for these extraordinary efforts, to provide that the resources we furnish, and the powers we 'confer, may not in future be so employed 'as to increase the perils they were intended to avert, and to aggrandize that 'power to which it is the common interest 'of all Europe, as well as of Great Britain 'to set proper limits.' Such, sir, is the nature of the amendment, which I intended to propose this evening. But although, for the reasons I have mentioned, I am induced to wave it at present, yet, such is my conviction of the alarming state of the country, that I cannot, consistently with my duty, suffer many days to elapse without bringing forward the subject, for ample discussion, in some shape. On Monday next, therefore, it is my intention to bring the subject before the house in another shape; and, perhaps, to introduce such other topics as may be necessary for a full investigation of the business.

Mr. *Fox.*—Concurring entirely in the sentiments which have fallen from my noble friend, I do not think it necessary to trouble the house with more than a few words at present. But I cannot forbear to express my hope now, that this seeming dereliction of our duty will not be so misrepresented by any one, either in this house, or out of this house, as to make it possible to be supposed that we do not feel all that we ought to feel for the unexampled calamities which have been brought on the country; that we do not feel, though not in the way expressed by the address, for the unexampled calamities which have befallen the second military power of the Continent; that power to which we have looked, and to which we may yet have to look for the support of this country, and of Europe in general. I hope we shall not be wanting in our expressions of indignation at those ill-concerted, ill-conducted, ill-supported, and ill-executed plans, which have placed the country in the most extraordinary and most calamitous situation it ever experienced. I hope we shall not be misinterpreted, by its being supposed that we shall be wanting in those proper feelings by which we ought to be impressed. Nay, sir, it is the very strength of those feelings that induces me to agree in the propriety of putting off the discussion. Reports certainly have gone about, which I hope are exaggerated, which I hope will have ceased in a few days; but I will freely say, that feeling how nearly the individual alluded to in them is connected with the discussions which must have arisen to-night, had the amendment read by my noble friend been brought forward, I am ready to allow that it would be injustice to him to press the subject in his absence, while there may be any good reasons to believe that he will be able in a very short time to attend in his place. I therefore cordially agree in the propriety of postponing the discussion; but, at the same time, every private consideration ought to yield to the public advantage; and, for this reason, I hope the delay will not be long. I understand that my noble friend has fixed on Monday to bring forward a motion on the present situation of affairs, whether in the shape now pointed out in his amendment, or in a more general view, will be for him to determine. At all events, I hope that no material delay will take place, but that we shall speedily proceed to enquire into the causes of our present unexampled danger, and the means by which the calamities that threaten us, may with the best chance of success be averted.

Lord *Castlereagh* said, that he fully concurred in the feelings that actuated the noble lord in postponing the discussion for the present; and no expression, however warm, that might have fallen from the hon. gent. who had just sat down, should tempt him to depart from the course adopted by the noble lord, or to enter prematurely into the discussion. The hon. gent. seemed confident that he could substantiate the matter, which had been stated in the form of a charge by the noble lord against his majesty's ministers; but they were no less confident, that, whenever the question should come under consideration, they would be able fully and satisfactorily to justify their conduct. When the discussion should come forward, it would be the duty of his majesty's ministers to state at large what they had to urge in their justification, and until then he should abstain from entering further into the subject. He agreed with the sentiments so honourable to the noble lord, and which had been assented to by the hon. gent. who had spoken last, that the house could not enter into the discussion of this question, consistently with the feelings, by which it was then influenced, if the distinguished personage, who was so intimately concerned with its discussion, should be unable to attend in his place during the consideration of it; [a cry of no! no!] He admitted, that if that distinguished individual should not be able to attend till after a period beyond which, from a sense of paramount duty, the noble lord could not put off the subject, it would be competent to him to bring it forward at whatever time his feelings of public duty might render it necessary in his opinion. He was sure, however, that the noble lord would make that time as distant, as his sense of paramount public duty would admit. Before he sat down, he felt himself bound to repeat what he had before stated, that whenever the discussion should be brought forward, his majesty's ministers would be able to justify, most completely, their conduct and their measures.

Mr. *Windham* said, he did not mean to enter into the consideration of topics, which had been for the same cause avoided on both sides of the house. In the few words he had to say, he meant to confine himself solely to stating his entire concurrence with the sentiments expressed by his hon. friend who had spoken last but one, and by his noble friend who had preceded. He agreed, that to enter into the discussion at present, would not be possible, conformably to the feelings which must prevail universally both in the house and in the country. It was impossible even for those, who had never known what it was to live in any habits of friendly or social intercourse with the right hon. gent. alluded to, not to feel that it would be one of the most painful tasks that could be imposed upon them, to enter into an adverse discussion on the merits of measures in which he was so deeply concerned, at a moment when he was lying on a bed of sickness, not without good grounds, he trusted, for hoping his recovery, but with the danger necessarily incident to such a situation. It was not however what must be the feelings of any one on such an occasion, that was to be considered: men must perpetually be compelled to do, at the call of duty, what was in the highest degree unpleasant and painful to them. But it happened here, that what made the task painful, did, in the same degree, disqualify them for the performance of it. Even this consideration however could not long delay the discussion in question. The moment must be at hand, should the right hon. gent.'s illness be prolonged, when the public interest could no longer wait, and when this task must be performed, with whatever pain or at whatever disadvantage. But the pressure of public affairs, great as it was, would still, it was hoped, allow of a short respite, such as was now proposed; and if so, every one must wish, that such respite should be given. Let us hope, in the mean while, that some favourable change may take place, which, if it cannot remove that part of our embarrassments which arise from the absence of the right hon. gent., may free us at least from that gloom and depression which the apprehended extinction of great and transcendent talent and high qualifications, in the midst of the most splendid fortune, cannot fail to produce even in the minds of those who may have been most opposed to the political system of which they made part.

[ADDITIONAL FORCE BILL.] Mr. *Sheridan* rose to give a notice respecting a motion for the repeal of the Additional Force bill. That bill had been tried, and was found to fail completely in producing the effects expected from it by its admirers. He had a very considerable number with him when he before moved for its repeal, though certainly he had not a majority at that time. Now, however, he hoped that many who disagreed with him then, would, on a subsequent motion for its repeal, cordially vote with him. He was proceeding to make some farther observations, when

The *Speaker* observed, that he must remind the hon. gent. that at present he must confine himself to the notice.

Mr. *Sheridan* replied, that he was only about to say a very few words, but he should only now state, that on an early day he would give notice of a motion for the repeal of the bill.

Lord *Castlereagh* said, that some alterations were intended to be made in it which might meet the most serious objections that could be brought against it.

Mr. *Sheridan* replied that no alterations could possibly render it fit to be continued in force any longer.

[NAVAL VICTORIES.] Lord *Castlereagh* gave notice, that on Thursday he would move the thanks of the house to the brave officers and seamen of the fleets which had gained the brilliant naval victory on the 21st of October, off Cape Trafalgar; and to the officers and seamen of sir R. Strachan's squadron, which had taken four of the enemy's ships on the 4th of November.

HOUSE OF LORDS.

Wednesday, January 22.

[MINUTES.] The Earl of Dartmouth informed the house, that his majesty would be graciously pleased to receive their lordships' address to morrow at half past two.—The lord Chancellor stated to the house that he had duly transmitted the vote of thanks of that house, passed on the 13th of May, 1804, to marquis Wellesley, and that he had received, during the recess, an answer from that nobleman. Understanding, however, that that noble lord was now in England, and had been in that house, he thought it would be more consistent with the forms of the house for the marquis Wellesley to deliver his answer in his place, than for him to read the letter which he had received from the noble marquis.

[IMPEACHMENT OF LORD MELVILLE.] Lord *Melville*, in pursuance of the order of last session, respecting the delivery of his answer to the articles of impeachment exhibited against him by the commons, on the second day of this session, entered the house, and presented his answer at the table, which was forthwith read by the clerk. The averment stated in substance, that "he was in no way guilty of all or any of the articles of impeachment, exhibited by the commons, and which he was ready to prove on a proper opportunity being afforded him by their lordships' right hon. house." A copy of the said answer was, on the motion of lord Walsingham, ordered to be communicated by message to the commons; and also that a sufficient number of copies be printed for the use of their lordships. It was also ordered, that Messrs. Plumer, Adam, and Hopkins, be assigned as counsel to lord Melville, for conducting his defence. A committee was likewise, on the motion of lord Walsingham, appointed to enquire into and report precedents of cases of Impeachments for crimes and misdemeanours.

HOUSE OF COMMONS.

Wednesday, January 22.

[MINUTES.] Mr. John Fane presented a petition from the debtors confined in the gaol of the county of Oxford, praying relief.—Sir W. Geary presented a petition from the debtors confined in the gaol of Maidstone.—Admiral Berkeley presented a petition from the debtors confined in the gaol of the county of Gloucester; and admiral Hervey, one from those confined in the gaol of Chelmsford; which were ordered to lie on the table.—Mr. Ellison presented a petition from the maltsters of Boston, in Lincolnshire, praying certain regulations respecting the malt duty, which would be equally productive to the revenue, and relieve them from certain hardships to which they are at present subject. Ordered to lie on the table.—Mr. W. Dickenson, from the admiralty, presented the several papers moved for towards the close of last session by Mr. Jeffery, and admiral Markham, relating to ships of war, during the presidency of earl St. Vincent at the board of admiralty. Ordered to lie on the table, and to be printed.—Lord F. Spencer, from the committee appointed to prepare the address in reply to his majesty's most gracious speech to both houses of parliament, presented their report at the bar. The report was brought up, and the address read a first and second time, and agreed to. It was then ordered, on the motion of lord Castlereagh, that it be presented by the whole house, and that such members of the house, as were of his majesty's privy council should wait on his majesty, to know when his majesty would be graciously pleased to be waited upon therewith.—Mr. Sheridan moved, that there be laid before the house, a return of the number of effective men that had been raised under the act of the 44th of his majesty, intitled an act for raising a permanent additional force, up to the period of the last return, together with an account of the number that have been recruited per week, distinguishing those that have been raised by parish officers. Also, the number of those that have volunteered from this force for general service. Ordered. Similar returns were also ordered, on the motion of Mr. Sheridan, for Scotland and Ireland.—Mr. H. Thornton presented a petition from G. B. Mainwaring, and several Freeholders of the county of Middlesex, complaining of the return of sir Francis Burdett, bart. to serve in parliament for that county. The hon. member reminded the house of the circumstances under which the consideration of a similar petition had been deferred from the last to the present session, and stated, that this petition was only a renewal of the former one. A copy of the petition will be found in vol. iv. page 1. It was brought up, and ordered to be taken into consideration on Tuesday the 4th of February.—Mr. Williams, secretary to the commissioners of naval enquiry, presented at the bar the 12th report of that commission, and also some observations by way of supplement to the first report of the commissioners of naval enquiry, on a memorial presented to the house by the commissioners of the navy board. Ordered to lie on the table, and, on the motion of sir C. Pole, to be printed.—On the motion of Mr. Alexander, the committee on expiring laws, together with the other standing committees of privileges, trade, religion, courts of justice, &c. and the several standing orders of the house were voted.

[IMPEACHMENT OF LORD MELVILLE.] Mr. *Whitbread*, pursuant to notice, moved, that the resolution of the house, respecting the appointment of a committee of Impeachment against lord Melville, of the

26th of June, 1805, and also the act of last session, for continuing the proceedings respecting that impeachment, notwithstanding any prorogation or dissolution of parliament, be read. The resolution and the act having been accordingly read, the hon. gent. then moved, that the said committee do sit and proceed with the matters referred to them to-morrow morning, and that lord Robert Spencer be added to the said committee.—Ordered.

[MARQUIS WELLESLEY'S ANSWER TO VOTE OF THANKS.] The *Speaker* acquainted the house, that he had received from marquis Wellesley the following letter, in return to the thanks of this house, signified to him by Mr. Speaker, in obedience to their commands of the 3d day of May 1804, see vol. 2. p. 369.—Fort William, the 30th May, 1805. Sir, 'I have the honour to acknowledge the receipt of your 'letter, under date the 4th of May 1804, 'transmitting the resolutions of the house 'of commons of the 3d of May 1804, respecting the late military operations in 'India, against the confederate Marhatta 'powers.—Your letter, together with the 'resolutions of the house of commons, has 'been published in general orders to the 'army, and the separate resolutions of 'the house have been transmitted to the 'several public officers distinguished by 'that high honour. Copies of my letters 'transmitting those resolutions, and of 'such answers as I have received, accompany this letter.—I request that you will 'be pleased to submit to the house of commons, the dutiful sense of gratitude and 'respect with which I receive this honourable testimony of the approbation of the 'house.—The proceedings of the house of 'commons on this occasion are calculated 'to confirm, in every branch of the civil 'and military service in India, those sentiments of zealous attachment to the 'public interests, and honour, which have 'distinguished the conduct of his majesty's 'and the honourable company's servants 'during the late war.—The expressions 'which you have been pleased to employ 'in transmitting to me the resolutions of 'the house of commons, demand my most 'grateful acknowledgments, and constitute a considerable addition to the honour conferred by the commands of the 'house. I have the honour to be, &c. 'WELLESLEY'.—To the right hon. Charles Abbot, Speaker of the house of commons.

[PETITION FROM BERKS AGAINST ADDITIONAL FORCE BILL.] Mr. *Charles Dundas* presented to the house a petition from the gentlemen and freeholders of the county of Berks, on the subject of the Additional Force bill, and praying its repeal. The petition, he said, was signed by all the respectable clergy, gentlemen, and freeholders of the county, and had been unanimously agreed to at a most numerous meeting of the county, held for the purpose of considering the subject. It had been found by experience that the act was impracticable, and the petitioners of necessity felt themselves compelled to apply to the house for its repeal. They stated in their petition, that of the whole number which the county, under the act, was called on to raise, only eleven had been procured by parish officers; which had not arisen from any neglect on the part of the overseers, but from the impossibility of carrying the provisions of the act into execution. The petition also stated, that in consequence, a sum of 6,620*l.* had been imposed on the county for penalties, which operated as an oppressive and unjust burthen upon the landed interest, and was particularly severe upon the small farmers. The hon. member, after thus stating the substance of the petition, declared, that under such circumstances, he should have felt it his duty to submit a motion to the house for the repeal of the bill, if the subject had not been taken up by the hon. member (Mr. Sheridan), who had given a notice respecting it, and who was far better qualified for the task than he was. At the same time, however, that he felt satisfaction at seeing the business in such able hands, he could not let slip the present occasion of calling the attention of gentlemen opposite, and particularly of the noble lord who had last night spoken on the subject, and intimated an intention of his majesty's ministers to make some alterations in the bill, to the matter of this petition. He was convinced that the measure was impracticable, and that nine-tenths of the landed interest of the country would not be satisfied without the total repeal of it. Experience had proved it totally insufficient to the object which it was designed to accomplish, and in its operation it had been found a grievous, unfair, and unjust imposition upon landed property, and very unequal in different parishes. He had but one observation more to make, and that was, that whatever a man's property in the public funds might be, he was not called on to find a single man; a circumstance that shewed how heavily the pressure must fall upon landed property. He hoped, therefore, that his majesty's ministers would re-consider the subject, before they formed any determination to continue such an act under any modifications.—The petition was then brought up, and ordered to lie on the table. It stated, 'that the 'petitioners, finding that, in pursuance of 'an act passed in the 44th year of his 'majesty's reign, intituled, "an act for "establishing and maintaining a permanent additional force for the defence of "the realm, and to provide for augmenting "his majesty's regular forces, and for the "gradual reduction of the militia of England," eleven men only have been raised in the said county by the overseers, 'and the enormous sum of 6,620*l.* has 'been imposed upon the county for penalties, beg to represent their opinion, 'that this failure in raising the men has 'not been owing to the neglect of the 'overseers, but to an impossibility of procuring them by men whose duties and 'occupations are inconsistent with such 'an employment; and they conceive that 'levying fines upon parishes, because the 'overseers fail in doing what is not in 'their power to do, is inconsistent with 'justice, operates as a partial and oppressive tax upon the occupiers of landed 'property, and increases the parish rates, 'which are already a burthen severely 'felt, particularly by small farmers, and 'inferior tradesmen; and therefore praying, that the said act may be repealed.'

HOUSE OF LORDS.

Thursday, January 23.

The lord Chancellor, and several peers attended at a quarter before two o'clock. After prayers were read, several orders were made with respect to the hearing of appeals, and some routine business disposed of; after which the house adjourned till to-morrow, and their lordships proceeded to St. James's, with their address to his majesty.

HOUSE OF COMMONS.

Thursday, January 23.

[MINUTES.] The order of the day being read, for taking his majesty's speech into consideration, Mr. Huskisson moved, that a supply be granted to his majesty; which was ordered to be referred to a committee of the whole house to-morrow.—Mr. Chaplin presented a petition from the insolvent debtors in the gaol of Lincoln, praying for relief. Ordered to lie on the table.—Mr. Huskisson then moved an adjournment till to-morrow, which was agreed to, and the house in a body, proceeded to St. James's, to present their address to his majesty.

HOUSE OF LORDS.

Friday, January 24.

[VOTE OF THANKS TO THE NAVY, &c.] The order of the day, for summoning their lordships, being read,

Lord *Walsingham* acquainted the house, that his noble friend lord Hawkesbury, who had given notice of his intention to bring forward a motion for the thanks of the house to vice-admiral lord Collingwood, and the officers and marines under his command, being that day unable to attend in his place, he had to propose that the said order be postponed; he added, it was the intention of his noble friend to appear in his place on Monday, when he would acquaint their lordships with the particular day on which he would bring forward that motion. Before he sat down, he begged to enquire of any noble lord, whether it was the intention of a noble earl (Cowper) then absent, on whose motion the house stood summoned for Monday, to bring forward his proposed motion on that day.

Lord *Holland* observed, that, in the absence of his noble friend (earl Cowper), who was that day prevented from attending, by a slight indisposition, he had authority to state, that the noble earl did not intend, for obvious reasons, to bring on his motion upon that day. Under that impression, therefore, he had no hesitation to move, that the order for summoning their lordships, for Monday, be discharged. At a future opportunity, his noble friend would acquaint their lordships with his intentions respecting the motion in question.—Relative to the intended postponement of the motion, which stood for that day,

The Duke of *Norfolk* addressed a few observations to the house. He thought some particular reason should be assigned, for deferring a motion of the peculiar nature and importance of that in question. He recalled to the attention of the house, the great and eminent services to their country, which had been rendered by the noble admiral, and the officers, and seamen under his command, to whom it was proposed that evening to vote the thanks of the house. It was that sort of proposition, which every noble lord in the house would feel the greatest pleasure in acceding to. He saw no necessity for postponing the motion, or why it should exclusively come from the noble secretary of state; it was one which might be forthwith proposed by any noble lord; but, in general, such a proposition came from the first lord of the admiralty. The postponement of such a motion was a very unusual thing; in the present instance, he saw no possible reason for the delay, nor was any assigned. Though he thought it incumbent on him to observe thus much, he had no intention of coming forward on the occasion himself; but he wished that some reason should be given for postponing the intended motion.

The *Lord Chancellor* quitted the woolsack, and shortly observed, that the noble lord in question had conducted himself in every step he had occasion to take in the business, with the greatest propriety and respect towards those who were to be the object of their lordships' thanks; that he himself, and, he was persuaded, all their lordships entertained the highest possible sense of their most invaluable services; and he doubted not, but his noble friend could assign adequate reasons for the proceeding of that night.—The order in question was then postponed, and their lordships adjourned till Monday.

HOUSE OF COMMONS.

Friday, January 24.

[MINUTES.] The Speaker, on taking the chair, stated that the house having, pursuant to order, waited on his majesty, with their address on the subject of his gracious speech, his majesty was pleased to return the following most gracious answer: "Gentlemen, I thank you for this dutiful and "loyal address. Your condolence on the "loss of my late brother the duke of Gloucester, affords a new proof of your attachment to my person and family. Your "cordial concurrence in my disposition to "cultivate at all times an intimate connection with the emperor of Russia, gives "me the greatest satisfaction; and the assurance of your unabated vigilance and "exertion in the present posture of affairs "enables me to look forward with increased "confidence to such a termination of the "contest as may be consistent with the "safety and permanent interests of my dominions."—Lord Castlereagh, adverting to the notice which he had given for this day relative to a vote of thanks to the officers, seamen, and marines engaged in the action off Trafalgar, stated, that as it was desirable to have a full attendance upon such a subject, he felt the propriety of postponing it to another time, when it could be discussed with more convenience to several members. The noble lord, however, intimated his intention of bringing forward this motion on an early day, and stated the probability that he should on Monday next mention the day.—Mr. Paull gave notice, that he should, on Wednesday next, move for the production of a letter from lord Melville, to the chairman, deputy chairman, and directors of the East-India Company, relative to their Indian debt, dated in June 1801. The hon. gent. also gave notice, that on Monday he should move for a few more papers relative to the transactions in Oude, and the appointment of the hon. Henry Wellesley to be lieut. governor of the provinces in Oude.

[IMPEACHMENT OF LORD MELVILLE.] A message from the lords presented at the table, a copy of the answer delivered in by lord Melville to certain articles of impeachment preferred against him by the house of commons. The answer stated, "that Henry lord viscount Melville, saving and reserving to himself all just exceptions in manner and form to the said articles of impeachment, and saving and reserving to himself such privileges as he is entitled to as a peer of the realm, for answer doth allege, that he is not guilty of all or any of the supposed crimes charged in the said articles; and this he is ready to prove. And he submits himself and his cause to that right hon. house; and prays that he may be discharged henceforth, and acquitted of the said charges."

Mr. *Whitbread* moved, that the answer just read from the chair be referred to the committee for drawing up the impeachment; and that they do report their opinion on the same towards the further proceedings to be had in the impeachment.—Ordered.

[HONOURS TO MR. PITT.] Mr. *Henry*

Lascelles gave notice, that he should, on Monday, bring forward a motion which related to a subject that had caused the greatest grief and melancholy throughout the country: he meant the death of that illustrious personage the late chancellor of the exchequer. It was his intention, he said, to move, that some signal mark of public respect should be shewn to the memory of that great man.

Lord *Castlereagh*, alluding to a motion of which a noble lord (H. Petty) had given notice for Monday, rose to enquire whether it was the intention of that noble lord to bring it forward? At the time the notice was given, he observed that the noble lord did not seem disposed to press the question upon that precise day. As a matter of personal convenience to himself and other friends who certainly would be ill able to enter into the discussion of such a subject on Monday, he hoped the noble lord would agree to a farther postponement.

Mr. *Fox* assented to the propriety of the postponement required, for the reasons alluded to by the noble lord. It was no doubt highly desirable that the consideration of the question to which the noble lord referred, should take place on an early day. He knew that it was his noble friend's intention to bring it forward as early as possible, but certainly not on Monday. Adverting to the notice of an hon. gent. (Mr. Lascelles) for that day, he submitted whether it would not be more proper to postpone that notice until after the discussion of the motion proposed by his noble friend, which naturally claimed the precedency. He felt, however, that it was not for him to dictate to the hon. gent. But it was for that hon. gent. and those who thought with him, to consider whether the motion they had it in contemplation to bring forward, might not involve points, the discussion of which would more properly belong to the question announced by his noble friend; whether, in fact, it might not be of such a nature as many gentlemen could not assent to, without a gross violation of their public duty.

HOUSE OF COMMONS.

Saturday, January 25.

[MINUTES.] Mr. Parr, from the African Company, presented the annual accounts of that company, for the year 1804.—Mr. Meheux, from the India Board, presented certain papers relating to the nabob of Oude, moved for by Mr. Paull.

[COMMITTEE OF SUPPLY.] Mr. *Alexander* brought up the report of the committee of supply, and moved a resolution, "that a supply be granted to his majesty for the service of the ensuing year;" which was agreed to. Mr. Huskisson then moved, "that the house should, on Monday, resolve itself into a committee, to consider further of the supply to be granted to his majesty."

Mr. *Grey* said, he should leave it to the consideration of the hon. gent. whether it would be right to proceed so immediately to vote the supplies, under the present circumstances of affairs. At the same time that he threw out this suggestion, it was his wish, that the public business should be forwarded with all the expedition that was possible, and he should be sorry to cause any unnecessary delay, at a time when decision and promptitude were so necessary. He thought, however, that it would not be proper that the house should go into a committee for raising the supplies of the year, at least, until it was known who were to have the management of the supplies when granted, and who were to be responsible for the direction and application of them.

Lord *Castlereagh* said, that whatever reasons might at present appear to the mind of the hon. gent. to be of sufficient weight, as to induce him to oppose the progress of the raising of the supplies, yet he trusted, that when Monday should arrive, the hon. gent. would not then object to the house resolving itself into a committee of supply, as it was probable that, before that day, such arrangements would be made as would remove the difficulties under which he now laboured, and the objections he had stated. It was a matter for the discretion of the house to consider, whether they could properly grant the supplies in the absence of the chancellor of the exchequer. His majesty had determined to vest that office, for the present (agreeably to former precedents), in the hands of the lord chief justice of the king's bench, whose appointment would be immediately made out. At the same time, his majesty was taking steps for forming a new administration. Under these circumstances, if the house were informed that the lord chief justice was chancellor of the exchequer, in the interim, and until a new administration was formed, they would see that it was not possible to have his attendance in that house. He, therefore, hoped the house would consider themselves warranted, under these circumstances, in proceeding to the question of the supplies in the absence of the chancellor of the exchequer. It would be a material injury to the public service to delay the supplies in the preliminary stages; but if in the subsequent stages, gentlemen should then consider it their duty to oppose the grants, they would have abundant opportunities of expressing their opinions when the matter should come more regularly for their discussion: he hoped, therefore, that gentlemen would not oppose the supplies in the early stages, but reserve any objections that they might have to offer, until they should have made such progress, as to have arrived to that stage which was the most usual and proper time to choose for the discussion.

Mr. *Fox* said, the objection made by his hon. friend had not at all been answered by what fell from the noble lord. What the noble lord had said, ahout the competency of the house to proceed to the vote of supplies, in the absence of the chancellor of the exchequer, was not at all applicable to the objection which had been made. His hon. friend had not objected, on account of the absence of a chancellor of the exchequer; because such absence might proceed from a variety of causes to which no objection could be made. The present objection was not to granting the supplies in the absence of a chancellor of the exchequer from that house, but it was to the granting the supplies when there was no chancellor of the exchequer, or no first lord of the treasury. Under such circumstances, the house was called upon to vote supplies, while they were in the most complete ignorance who were to have the management of those supplies, or who were to be responsible for the manner in which they were to be applied. He therefore now wished, that it should be understood, that his objection to the vote, would not be on account of the absence of the chancellor of the exchequer from that house, nor that the office vested for a time in the hands of the lord chief justice, but his objection was, that he thought before supplies were granted, there should be some person appointed, who should be subject to all the responsibility of the management of them, and who should be liable to be called to that account for their application, which the house had a constitutional right to expect and demand.

Lord *Castlereagh* thought, that the answer he had given was sufficient to meet the objection of the hon. gent. (Mr. Grey). What he had said was this, that the supplies, although forwarded in the early stage at which they would be presented on Monday, would not have made such progress as to be put in any tangible shape, by the house merely agreeing to the preliminary steps for raising them. In the progress of passing them, there would be time enough to see into whose hands they were to pass, and to offer any reasons that might then occur against the granting of them; but, to oppose them in the first instance, *in limine*, would be a course altogether unusual, and which would, in the present instance, be highly prejudicial to the public service. The office of chancellor of the exchequer was, for the present, to be vested in the lord chief justice, who, with the office, took of course all the responsibility of it. The house might be assured, that it was the intention of his majesty, without delay, to take measures for forming a new administration.

Mr. *Grey* repeated, that his objection was not to the absence of the chancellor of the exchequer, but that there was no person responsible for the application of the supplies to be voted. As to the observation of the noble lord, respecting the embarrassments, and public injury, that might result from any delay, that consideration would certainly have as much weight as it merited, when the subject should come to be fully discussed. What he intended to press upon the house was, that they should not grant the supplies until they knew into whose hands they were to pass, and who were to undertake the responsibility of their application.—The resolution was then agreed to, that the house should resolve itself into a committee of supply on Monday.

HOUSE OF LORDS.

Monday, January 27.

[MINUTES.] The duke of Gloucester was sworn, and took his seat, on his accession to the peerage, in consequence of the demise of his father, the late duke.—The earl of Jersey was sworn, and took his seat on the same occasion.—Earl Darnley adverted to the notice he had given on a former evening, respecting the Additional Force act. Of that measure he retained the same sentiments of disapprobation, and which, in fact, were fortified by progressive experience. It was in the recollection of their lordships, that he was the first who brought forward a motion for the repeal of that act. His intended motion, however, he was at present induced to suspend, in consideration of the state of public affairs at the moment.

[Vote of thanks to the navy.] Lord *Hawkesbury* stated, that not being able to attend in his place on a former day, on which he had given notice of his intention to move for the thanks of that house to lord Collingwood, and the officers, &c. under his command, he had requested a noble friend (lord Walsingham) to move that the order for that day should be discharged; and to state, that on the next day of the house's meeting, he should attend in his place and renew his notice. In doing this, he trusted all their lordships would give him credit, that he could not, in the least, be actuated by any motives of disrespect, or the slightest abatement in a due sense of the inestimable and meritorious services of the noble admiral in question, and the gallant officers and seamen under his command; on the contrary, he was highly desirous to bring forward the motion, on the first moment his avocations, or the pressure of important business would allow him. Under this impression, he then gave notice, that he should, to-morrow, bring forward his motion for the thanks of the house. His lordship then moved, that the lords be summoned for to-morrow; which was ordered accordingly.

The Duke of *Clarence* begged to offer a few words to their lordships on the occasion. It had, he observed, been his intention to have given notice, for the first open day, of a motion similar to that of which the noble lord had just now given notice, if such a proceeding had not taken place. Motives of intentional disrespect, or a desire to do any thing unpleasant, did not exist in his mind. When he considered the situation which the noble lord had the honour to hold in his majesty's councils, he was probably a more proper person to come forward on such an occasion than himself. His own motives, for what he had proposed to do, were of a two-fold nature: the first was, a conviction that it was incumbent on the country, on the very earliest opportunity, to express their grateful sense, in the strongest terms, of the great and important services of these noble officers, and the different officers and men under their command, who achieved the glorious victory of the 21st of October, and of which, he was sensible, they all felt the advantages. The second consideration which had actuated his mind, and which would continue to the last hour of his life, was the feelings and friendship he entertained for that illustrious hero, who had led on the fleet to that memorable victory. With these he was impressed during twenty-three years, out of the forty-seven which that hero lived, and during which period, it might be said, he lived with him with the intimacy of a brother. Thus, the feelings of private friendship co-operated with those of public principle and duty, in determining him to propose to their lordships to come to such a vote as he had alluded to. As the thing then stood, he felt no objection to give way to the noble lord, who had expressly stated his intention to bring forward the motion to-morrow.

HOUSE OF COMMONS.

Monday, January 27.

[Minutes.] A new writ was ordered to be issued for the election of a burgess to serve in parliament for the University of Cambridge, in the room of the right hon. William Pitt, deceased.—Mr. Jeffery gave notice, that he would, to-morrow, move that the order made on the 22d of this month, for the production of certain naval papers, be discharged.—A petition was presented from the debtors confined in the castle of Chester, praying for relief.—A petition of the maltsters and makers of malt, in the town and county of Monmouth, was presented and read; setting forth, that the act of the 42d of his present majesty, relative to the making of malt, is productive of the most injurious consequences to the manufacture, and subjects the fair trader to great difficulties and hardships, without any adequate advantage to the revenue. Ordered to lie upon the table.

[Affairs of India.] Mr. *Paull* moved, that the papers ordered by the votes of the house on the 25th and 28th of June last, be printed for the use of the members; which was accordingly ordered. After a short pause, the hon. gent. rose again, and said:—No person sir, can be more convinced than I am, of the inutility, the inexpediency, the danger, of moving for many papers relative to any transaction, more especially, if connected with India; still, however I may deprecate delay, in a question of so much importance, I am under the necessity of moving for a few more papers, important in every point of view, and essentially necessary for the ends of substantial justice. But, sir, these are the last papers I shall call for, to support the two charges I have already given notice of; and when the papers I formerly had the honour to move for, are printed, together with the additional papers that I am to call for this evening, no time shall be lost, on my part, in bringing direct and positive charges of criminality against my lord Wellesley. As the papers are not to be objected to, it is not necessary for me to take up much of the time of the house. Suffice it to say, that to insure the support of those gentlemen on this side of the house, and the aid and countenance of many honourable, disinterested, conscientious gentlemen on the other, I shall produce a charge, copied almost verbatim from the articles of impeachment voted against Mr. Hastings, by a strong, overpowering majority of this house, at the head of which was the late Mr. Pitt. I move, "that there be laid before this house, 1. Copy of a treaty concluded between the marquis Cornwallis, then governor-general of India, and the late vizier Assul ul Dowlah, in 1787. 2. Copy of the dispatches of marquis Cornwallis to the court of directors, or secret committee, on the conclusion of that treaty; together with a copy of his lordship's instructions to Edward Otto Ives, esq. on the same occasion, he then being resident at the vizier's court, 3. Copies or extracts of the general letter from the court of directors or secret committee to Bengal, approving of the treaty and lord Cornwallis's conduct on the occasion. 4. Copy of a minute of sir John Shore, now lord Teignmouth, late governor-general, dated in June or July 1796, removing G. F. Cherry, and appointing John Lumsden, esq. resident of Lucnow. 5. Copy of a minute of the marquis Wellesley, late governor-general, removing the said John Lumsden, and appointing col. W. Scott resident at the court of the vizier. 6. Copy of any minute or appointment empowering the hon. Henry Wellesley, then private secretary to the governor-general, to proceed to Lucnow, accompanied by Græme Morier, esq. as his assistant, or secretary, in 1801; and an account of any sum or sums of money drawn by the hon. Henry Wellesley, whilst at Lucnow, or by those employed under him, whether as salaries, establishment, or durbar charges, where drawn, and the authority for such payments. 7. Copy of a letter written by lord Wellesley, or under his authority, to col. William Scott, resident at the court of the vizier, announcing the special mission of the hon. Henry Wellesley to Lucnow. 8. Copy of all correspondence between marquis Wellesley, whether in his capacity of governor-general or captain-general, and lieut. general Gerard, now lord Lake, from July 1801, to the conclusion of the treaty of Lucnow, with copies of lord Lake's orders to major-general Frederick St. John, commanding the station of Cawnpour, major-general Robert Stuart, commanding Futty Ghur; with copies of their orders to the other officers commanding corps and stations in Oude, for putting the forces in readiness to march at the shortest notice, from July 1801 to Nov. in the same year.

Mr. *Whitshead Keene* cordially seconded the motions of the hon. member, to whom the house and the public, he conceived, were much indebted, and for whose talents he entertained great respect. He doubted not but that his motives were pure and honourable, and such he hoped ever to find them.

Mr. *Paull* trusted the house would excuse him for saying a very few words regarding himself. He assured the hon. seconder, the house, and the public, that he dared the breath of calumny to impute to him, with justice, any motives but those of a public nature. He bore no animosity to lord Wellesley personally, he would exert his honest endeavours to prosecute him to conviction, as the enemy to the happiness and prosperity of India, and to the best interests of the mother country; he could consider him in no light but that of a great state delinquent, in the situation that Mr. Hastings stood on his return from abroad, with this essential difference, that what was undefined crime in the case of Mr. Hastings, was positive criminality in the case of lord Wellesley. The latter could plead no error in judgment, no ignorance of the laws of his country, having been a member of the British parliament when the articles of impeachment were voted against Mr. Hastings. One word more, said the hon. gent. and I have done. I stand, sir, proud of acting with the party to which I belong, and I take this opportunity of declaring in the face of this house, that with the Nabob of Oude, or with any potentate on the continent of ill-fated India, I am as unconnected as with the emperor of France, nor will I allow with impunity insinuations calculated to injure, through me, the cause of truth and justice: the unfairness of such aspersions, no man knows better than marquis Wellesley himself.

Sir *T. Metcalfe* said, that similar motions to those now brought forward had led to nothing but great trouble and enormous expence. He trusted, therefore, that the house would pause before it would consent to grant papers, under such circumstances, to any individual, however respectable he might be. This was one objection he felt to the motions of the hon. gent. There was another too, which equally weighed within his mind. The papers, that had already been produced, had got into the hands of translators, through whom the French government had obtained the information they contained; a circumstance that had proved materially prejudicial to the interests of the Company. The importance of it to the French government was such, that Bonaparte would have given half the revenues of France to have obtained it. Besides, he should ask, whether the present was a proper time to agitate such questions? Under the influence of these objections, he should feel it his duty to divide the house. When a member was conscious of being actuated by a sense of duty, he should not be ashamed to avow his feelings. The hon. gent. had said, that the papers, when produced, would criminate the conduct of the noble marquis; but this he begged leave to deny, as he was convinced in his conscience that no one of them would affect the public or private character of that noble lord; and if it were possible for him to attend in that house, he was sure he would say in reply to the motions, 'give all the papers.' Besides, it would have the most dangerous effect, if it should be thought on the continent of India, that all the treaties and engagements that had been entered into with the native powers, could be rescinded by a vote of parliament. It was certainly competent to parliament to enquire into the conduct of the marquis Wellesley; but this was not the time, and for all these reasons he should certainly take the sense of the house.

Mr. *Francis* said, he was not in the house when the motions were proposed; but as in adverting to the mischiefs that had arisen from similar motions, the hon. baronet seemed to allude to those made by himself, he felt it necessary to say a few words. If any mischief had arisen from the production of the papers he had moved for, it was chargeable only on the board of controul, which had the power of deciding which of them might be produced with safety, and was at liberty to withhold such as could not be published, consistently with the public interest. As to the objection respecting the expences that would attend printing the papers moved for, it might have some weight with vulgar minds; but it was not to be tolerated in that house, when an enquiry was to be instituted respecting the management of the affairs of India, the revenues of which were estimated at fifteen millions. With respect to his own opinion of marquis Wellesley's conduct, he had stated it to the house and to the country, and saw no reason to alter it. He was not to be awed or intimidated into an abandonment of his principles. The hon. baronet had stated, that considerable danger arose from the intelligence derived to the enemy from the publication of these papers; but he was of opinion that the enemy had gained more information from marquis Wellesley's intercepted correspondence, which had been published in the Moniteur, and afterwards translated into all the London papers, from which only the public obtained the information, though the contents of the correspondence ought to have been long before transmitted direct to the governors of the India Company. He was not aware of any danger that could be apprehended from the production of the papers, and that there had been no objection felt to granting them on that score, he appealed to the declaration of the noble lord at the head of the board of controul. That noble lord had said that he saw no possible objection to their being produced.

Mr. *Paull* said, the conduct of the worthy bart. excited his utmost astonishment; an astonishment not unmixed with some degree of indignation. Did the hon. bart. mean to crush this business by a side wind? If he did, he was very much mistaken. The refusal of the papers would avail lord Wellesley nothing. My wish, sir, said the hon. gent. is to accompany assertion with proof, which the hon. bart. seems to wish to prevent; but opposition can only make me more zealous, an opposition especially of this sort, an opposition completely and entirely unforeseen and unexpected; as the noble lord who presides at the board of controul, to whom I fairly and candidly submitted the list of the papers, told me there could be no possible objection to the production of the papers I have this night moved for. An hon. member of the same board, whom I am happy to see in his place, will do me the justice to confirm this assertion, if confirmation was at all necessary.

Mr. *Wallace* corroborated the statement of the hon. gent. and could see no reasonable objection to the production of the papers. He, however, wished the hon. gent. would omit in the last motion the words "secret service money," and allow "Durbar charges" instead.

Mr. *Paull* replied he could have no possible objection, provided "the secret service money," if any, was included under the head of "Durbar charges." He did not stickle, he said, for terms, provided the substance was the same; he looked only to substantial justice between lord Wellesley and the public; and, in conclusion, added, that nothing could deter him from proceeding in the line of conduct he had lain down for himself.—The sense of the house being decidedly in favour of Mr. Paull's motions, sir T. Metcalfe withdrew his intention of a division, and the whole of the papers were accordingly ordered and agreed to.

[Funeral Honours to Mr. Pitt.]—Mr. *Henry Lascelles* rose, and spoke to the following effect:—Sir, in rising to submit to the consideration of the house, that motion of which I gave notice on a former occasion, it is my most anxious wish so to conduct myself in this melancholy business, as to avoid giving any occasion for the discussion of points, on which there has been a considerable difference of opinion; or for at all reviving those political animosities which we have had too often occasion to regret. I should be unwilling to disturb the manes of that great man by dissentions. I mean now simply to propose, that which I am sure the country anxiously expects, that some signal mark of our respect and gratitude shall be paid to the memory of that illustrious character, whose loss we have now to deplore. I am sure that this sentiment is generally felt throughout the nation. I have every where witnessed the feelings of the deepest regret upon this melancholy occasion. We have lost a man of the purest and most disinterested patriotism, of the most exalted talents, whose energy and whose firmness have, in times of the greatest difficulty and danger, been eminently serviceable to his country. Under these circumstances, I have wished to avoid entering into the details of his long administration, or mentioning any thing which could provoke a discussion respecting any separate and insulated part of his conduct. Upon this occasion, I propose to the house to take as a precedent, the honours which were paid by a former parliament to the memory of his illustrious father, the great lord Chatham. I think that it is provoking no difference of opinion to say, that his son was at least as great a man as he was. I, therefore, intend to adopt the very words of that precedent in the motion with which I shall have the honour to conclude. There is only one observation that I wish previously to make: as I happened not to be in my place, on a former night, when an hon. gent. (Mr. Fox) suggested that it would be proper to postpone the consideration of my motion, until another discussion should have taken place, I must now say, that my motion is founded on the review of a long administration of upwards of twenty years, during which the exalted personage whose loss is so much felt and lamented, enjoyed the approbation of the country. With this impression I thought it would be improper for me to postpone a motion, the ground of which was the general character and conduct of the object of it, merely on account of the possibility of discovering some error in his administration upon the subject of treaties, which are not yet in possession of the house. I shall therefore conclude with moving, "That an humble address be presented to his majesty, that his majesty will be graciously pleased to give directions, that the remains of the right hon. William Pitt be interred at the public charge; and that a monument be erected in the collegiate church of St. Peter, Westminster, to the memory of that excellent statesman, with an inscription expressive of the public sense of so great and irreparable a loss; and to assure his majesty that this house will make good the expences attending the same."

The Marquis of *Titchfield* rose to second the motion. He had opposed the measures of the right hon. gent. during a great part of his political career, but was not, however, disposed to refuse any consistent mark of respect, as a tribute to the integrity of his character, and his rare and transcendent talents. He would not be understood, in voting for this motion, to mean any condemnation of the line of conduct he had himself pursued, whilst opposing the measures of the right hon. gent. now unfortunately no more. He had since acted with that right hon. gent. but though ranked amongst his political friends, he had not enjoyed his private friendship. In the support he gave to the present motion, he was actuated solely by his admiration of his virtues and extraordinary talents, which might be justly appreciated without the advantage of familiar or friendly intercourse. He thought the house called upon to pay some signal mark of respect, in this instance, by perpetuating the memory of a member so able, so eminent, so distinguished, and disinterested.

Lord *Folkestone* rose, and said: Mr. Speaker, I cannot, consistently with my feelings of public duty, agree to the motion which you have just read; I greatly commend the manner in which the hon. gent. has brought it forward, and in opposing it I will endeavour to follow his example, to avoid ripping open old sores, renewing ancient differences, and bringing on discussions which will be disagreeable to all sides of the house. With this view I will merely state, that as the hon. gent. in a general view of the whole administration of Mr. Pitt, thinks he has rendered the country such service as to deserve so signal a mark of gratitude and respect as that which he has proposed, I, on the other hand, taking his whole administration into view, and considering the state of the country as it came into his hands, and that in which he has left it, cannot agree to acknowledge any service, and therefore must refuse my assent to the motion; and I feel this, sir, so strongly, that if any one other gentleman thinks with me on this subject, I will certainly count out the house upon this question.

Lord *Lovaine* was so completely convinced of the great and brilliant talents of the lamented object of the motion, that he could not content himself with giving a silent vote on the occasion. He most heartily concurred in the motion.

Mr. *I. H. Browne*, said he had had the honour of a seat in that house, during the whole period in which the right hon. gent. whose memory was now proposed to be honoured with some signal mark of the approbation of the house, had presided in the administration of affairs. During the whole of that period, he had supported all the measures brought forward by that right hon. gent. as best calculated to promote the essential interests of the country. It was difficult for him to point out any instance in preference of the eminent services rendered by him to the state. He had raised the public credit in an unexampled degree, of which the house would be satisfied on his stating a single case. The public funds, when the right hon. gent. came into office, when the country was in a state of profound peace, without an enemy in Europe to apprehend, were not so high as they were at present; after all the horrors of the French Revolution, and while the country was engaged in a desperate and expensive contest. [loud coughing.] He should not detain the house longer from the question for which their feelings seemed to be impatient. Every gentleman would suggest to himself a criterion of the transcendent merits of this great man; but, for his own part, he should, without entering further into the subject, content himself with the case he had pointed out, and conclude with applying to that great, that eminent, that admirable statesman, what had been said of Augustus Cæsar, "that he found Rome wood, and left it marble."

Mr. *Hiley Addington* said, that it was not without very great reluctance, that he obtruded himself on the house for one single moment on this occasion; a mournful one to him, as well as to every individual within those walls, and to the country at large. To the question, as proposed by the hon. gent. under the gallery, he should decidedly assent, so far as it related to those past services of the distinguished individual, whose loss they were all deploring, the value of which he had had the means of estimating, the eminence and splendour of which no one was more ready to admit than himself, and which it had been the pride and happiness of a great part of his life to have supported in that house. To more recent measures he hardly thought it necessary to advert, as they would probably be soon submitted to the consideration of the house, and on which neither he nor other members were as yet qualified to form a correct judgment. With this explanation, which he hoped would not be considered as subtracting from his satisfaction in the vote that he was about to give, the motion that had been made met with his most decided approbation and concurrence.

Mr. *W. Smith* said, he felt how unpleasant a situation any gent. would be placed in, who should oppose a motion brought forward and seconded in the same manner as the one then under discussion. But he also felt, that, consistently with his sense of public duty, he could not accede to it, and painful as the performance of such a duty must be, he could not shrink from it. The performance of his duty, in the present instance, was the more painful to him, as he extremely regretted the loss of the eminent and distinguished person who was the object of the motion. No gent. who had opposed that right hon. gent.'s measures, nor any friend who deplored him, could more sincerely regret his loss. He too had had the honour of a seat in that house during nearly the whole of the time that right hon. gent. had been in office. He had, during that time, frequently witnessed the exercise of his great talents and transcendent powers, which he had often contemplated with admiration and awe. He felt one ground of objection to the motion on public principles. In the motion the right hon. gent. was represented as an "excellent statesman." If he were called upon to vote thanks (thanks unfortunately could not now be voted); but if he were called upon to vote some mark of respect to his memory for his disinterestedness as a statesman, he should readily concur. But when he was to vote this mark of respect to the right hon. gent. as an "excellent statesman," he thought himself bound to consider whether that character belonged to his measures and administration. With a view to such estimate, he knew of no criterion but a consideration of the state of the country at the time he came into office, of his conduct whilst in office, and of the present state of the country. However, this would occupy too much of the time of the house. Every gent. would make the comparison in his own mind, and deduce a result for himself. The result in his mind, was, he confessed, unfavourable to the right hon. gent. But he had another objection of a more private nature to the motion, and which applied particularly to himself. He had been placed in the situation which he filled in that house by the suffrages of a large body of men, who certainly did not consider the right hon. gent. as an "excellent statesman." They had elected him, because they thought his principles honest, and that he would oppose that right hon. gent.'s measures. How could he then return to his constituents after such an approbation of the right hon. gent.'s wisdom as a statesman, which so directly contradicted his former opposition to his administration? He gave the hon. gent. who brought forward the motion, every possible credit for the honourable feelings by which he was actuated, and for the very candid manner in which he had introduced it. He believed he really thought the right hon. gent. "an excellent statesman;" differing, however, with him, as it was his misfortune to do, he could no more give up his opinion to the hon. gent. than he could ask the hon. gent. to acquiesce in his; and, thus situated, he could not do otherwise than give his negative to the motion.

Mr. *Pytches* said, he had hoped, that the supporters of the right hon. gent. who was the object of the motion, and his abettors, would have appeared on this occasion with becoming silence and desolation. He had, as much as any man, admired the brilliancy of that right hon. gent.'s expression, and the electricity of his elocution. He was not however in despair respecting the emanation of some sparks from his genius. He was in hopes that the house would produce as eminent talents, when he contemplated the large spreading shrubbery of genius which was shooting up.

Sir *R. Buxton* said, that when he heard his hon. friend give notice of his intention to bring forward the present motion, he thought there could be but one sentiment on the subject, on either side, or in any part of the house, or of the country. He expected from the other side of the house, that when that great man was gone, opposition would be gone also. He had, however, been grievously disappointed; and, to his great surprise, found that the same system followed him beyond his mortal existence. He was sorry to find, that so many hon. members in that house refused to pay the tribute of gratitude to that illustrious character, whose magnificent talents, while they reflected the highest honour on the country which produced them, had contributed so essentially to its interests and prosperity. The reputation of that illustrious ornament of his country, however, would not depend upon the extent of the majority by which this, or any such motion might be carried; his fame would go down to the latest posterity connected with the history of his times, attested by the records of parliament, and immortalized by that constitution which he had saved. His remains might crumble to dust in his grave, but his reputation would live in the admiration of a grateful posterity.

The Marquis of *Douglas* lamented, that there should have been any discussion on a subject which could not but create a difference of opinion. Had the ashes of the departed minister been suffered to have remained in peace, the house would have continued grateful for his services. He considered that the first principle upon which public reward was founded, was success. It was not sufficient to say that a man possessed great abilities and great personal integrity; the country expected something more; they necessarily looked to a happy result, and that alone constituted the strength of public feeling. He did not think that any comparison could be drawn between the earl of Chatham and the late minister, which would justify the same honours being conferred on the one as on the other. If he adverted to the state of the country after the seven years war, and at the present period, he should find the comparison materially to the disadvantage of the administration of Mr. Pitt. It was but a very short time since distinguished public honours had been paid to the memory of a departed naval hero. He wished to ask, whether the crowd would have followed his remains to the grave if he had lost a British fleet? Success was necessary to crown every action for which public applause was demanded. The idea of the excellence of a statesman must involve all the virtues that belonged to his situation, and therefore he should ill discharge his public duty, if he consented to give a tribute of applause where he was not satisfied it was due. He wished not to stir up the ashes of the dead, but rather to walk over them with respect. He could, if he were so disposed, take a review of the situation of our finances; he could even advert to a transaction of the last session, wherein a noble lord now suffering under the censure of the house, had been protected by the right hon. gent.; but upon these he did not wish to enlarge. He had clearly and simply discharged his duty, and should sit down with giving his negative to the motion.

General *Tarleton* said, that he had frequently acted in opposition to the measures of the right hon. gent. who was the object of the present motion, and whose loss he very much deplored; but as the chief objection to the motion seemed to be that these honours should be withheld till the judgment of the house was known on the subject of his conduct for the last six months, he, for one, was of opinion, that the last six months of his administration were the most brilliant of his life, and therefore he would vote for the motion.

Earl *Temple.*—I rise, sir, in order to express in a very few words, the reasons which lead me to support this motion. I shall trespass but a very short time on the attention of the house; and, perhaps, upon the present occasion, it would have become me better to have sat silent. Notwithstanding it was my fortune to oppose the latter part of the administration of that right hon. gent. yet I feel happy in giving my amplest testimony to those transcendant talents which he possessed, and which, from a very early period of his life, were devoted to the service of the country. I have also great pleasure in bearing witness to that purity and integrity which he preserved throughout his long administration. In giving my warm support to the present motion, I am convinced I am expressing the same feeling which is entertained by every person of my family, who, connected with him by the ties of relationship, may be supposed to feel most deeply for his loss.

Mr. *Windham* rose and spoke as follows:—However painful I may feel the situation in which I stand, I feel that there is a duty imposed upon me that I am bound to discharge. Nothing can be more easy and satisfactory, than to comply with that advice which has been given to all parties, not to let their political hostilities be carried to the grave, and that on such an occasion as this, they should bury all animosities. For my part, the only difficulty I should find in complying with this advice is, that I have no political animosities to bury. Although I join sincerely in admiration of the great talents of the right hon. gent. who is now no more, yet I think that those talents cannot be said to have been fortunate in the result, and, I must observe, that by the custom of this country, and, indeed, by the custom of every nation, at all times, these extraordinary honours are only conferred where there is a certain union of merit and success. This should not be considered as a mere question of feeling, but it should be considered whether the honours proposed to be granted are customary, or whether they are strictly merited. There is a sort of fortitude on which men sometimes pride themselves,—the fortitude of bearing well the pain of others: there is a sort of generosity also, that loves to indulge itself at the expence of others' feelings: let us take care in the present case, that we are not indulging our generosity at the expence of our public duties. I know of no function requiring to be discharged under a sense of more solemn obligation than that which relates to the adjudication of national honours; these are claims not to be decided by a momentary feeling, but by a strict and impartial examination of the merits of the case. Let us understand the nature of the proceeding in which we are engaged; let us know upon what ground, the supporters of this motion mean to rely. Do they mean to say, that the greatest honours that the nation has to bestow, should be always given to splendid talents exerted in the service of the country; or would they mean to make a distinction, and only give them to men of great talent, who happened to be in public offices? It appears to me, however, that great talents, exerted in the service of the country, are as well entitled to a high reward, if the possessor should not happen to have been in public office, as if he had. Let us see how far this principle leads: it is said, you give the chief honours of the nation to those naval and military commanders who gain important victories; and why not to those who guide their operations? Must not their talents be presumed, at least, as great? Now, sir, this can be easily answered. An important victory is generally a thing that admits of no dispute, no deception. The general who routs an enemy's army, or the admiral who destroys his fleet, leaves no doubt as to the service that he has performed, and is therefore, by the unanimous opinion of every body, considered as an object of high honour. When, on a late occasion, these honours were paid to an illustrious admiral, all ranks and descriptions of people, the noble and the mean, the rich and the poor, the enlightened and the ignorant, all felt equally that those honours were due, and every heart vibrated to the general expression of national gratitude and respect. No man can mistate or misrepresent such actions as those; they are not brought forward to answer any party views, or upon false pretences. It is for these reasons that there is a general concurrence in all countries to reward services of that description. Upon services of such a nature there is always almost an absolute unanimity of opinion; but how can it be expected that there will be any thing like an unanimity of opinion, when the question is concerning the merits of a long political life? It is for this reason that all nations make a distinction between the rewards given to a successful commander, and to the minister under whom he has gained his success. But if it will be said, that transcendant abilities, long and important services, long experience, and application of the mind to the important interests of the country, should claim as high a reward as is given to the most successful admirals or generals, I shall then ask, where were all those qualities and endowments more conspicuous than in the late Mr. Burke? Mr. Burke, however, was not honoured with a public funeral. And yet Mr. Burke was inferior to no man in the splendour of his talents, nor in the purity of his mind, nor in genuine and disinterested patriotism, nor in long experience and devotion to the public service. Where then is the difference of the cases? Do gentlemen mean to rest it entirely upon this, that men of splendid talents and endowments, if they happen to be in office, are entitled to the highest rewards a nation can bestow; but should they be out of office, they are not entitled to honours, although they should serve their country with equal zeal, integrity, and ability? In general I should say, that the presumptions were in favour of him who had served his country out of office, official situations being those which men may covet from other motives. In every point of comparison that could be made, Mr. Burke stood upon the same level with Mr. Pitt, and I do not see the reason for this difference. If the objections to Mr. Burke's having a public funeral had proceeded from my hon. friend (Mr. Fox), or those who voted with him in those times, I should not have been surprized: they might have conceived that bestowing such honours on a man who differed diametrically with them in opinion at that time, would imply a condemnation of their own conduct. But that was not the case; it was not from them that the objection came, but from gentlemen on the other side of the house, who took Mr. Burke as the leader of their opinions, who cried him up to the skies, who founded themselves upon what he had done, but who were afraid, that if they consented to such honours, it would appear as if they approved of all the sentiments of that great man, some of which were, perhaps, of too high a tone for them to relish. They, therefore, would not, at that time, have agreed to a resolution which would have declared Mr. Burke an excellent statesman. When the French revolution broke out, it not only broke up the whole system of European politics, but it broke up, at the same time, many of the dearest connections which had united men in ties of private, as well as political friendships. I then differed upon that subject materially from the opinion of my hon. friend (Mr. Fox), and being, in a great measure, induced by the authority, and pressed indeed by the instigation, of the great man I have mentioned (Mr. Burke), I connected myself with the administration of which Mr. Pitt was at the head. It is not to be supposed, that because I joined his administration, that I necessarily approved of every part of his system. The question with me was, whether, upon the whole, the forming that connexion, was not the most likely way to promote those objects, which, in my opinion, were desirable to be obtained. Whether in so doing, I judged right or wrong, or whether now, after the event, my opinion remains the same as it was before, are questions that are of little consequence. If I were to divide the whole of the political life of the distinguished person here spoken of, into two distinct periods, one the period before the breaking out of the French revolution, and the other the period subsequent to that event, and that I were called to declare, whether I thought that either, separately, or both conjointly, were of a sort to call for the honours now proposed, or to justify the character, ascribed in the resolution, of an "excellent statesman," I must say, no. I have no wish to bring forward my opinion in that respect at the present moment; but, when compelled to declare myself, I must say what I think. I cannot consent to pronounce an opinion different from what I think the true one, and thus to contribute to mislead both the present time and posterity on a period of our history which it is most important for them to judge rightly of. With the fullest acknowledgement both of the talents and virtues of the eminent man in question, I do not think, from whatever cause it has proceeded, that his life has been beneficial to his country. For the earlier part of it, including the commencement of his power, I must contradict every principle, that I ever maintained, if I said that it was so. For the succeeding period, the greatest in which a statesman was ever called to act, I cannot say, that he acted his part greatly. I do not judge merely from the event; though the event, for the present purpose, might be all that need be considered. The French revolution was, indeed, a storm, in which vessels, the best formed, and conducted with the greatest skill, might easily founder: but, what I mean to say, is, that, in my opinion, the vessel was *not* conducted with the greatest skill, and that it is, in all human probability, to the fault of the pilot, that we are to ascribe our present fearful situation. This is no new opinion on my part: I must think so, if I think, as I have always professed to do, with the other great man that I have alluded to, Mr. Burke.—I think it necessary to say thus much, in order to free myself from a supposed charge of inconsistency, in denying generally, the merits of a minister, with whom, for a considerable time, I had acted. But all that would result from this denial is, that the parts, in which I agreed, did not outweigh, in my opinion, those in which I differed. I have stated, however, already, that even in those parts in which I agreed, my agreement was only qualified. I agreed, as with respect to my hon. friends near me, from whom I totally differed; but, as with respect to the opinion of Mr. Burke, I must be considered as widely differing. I repeat, that I feel it painful to oppose the motion; but, I must say, that honours, of such a nature as is now proposed, ought not to be given hastily, from any momentary feeling, but from a full conviction on the part of each person who consents to them, that they are strictly merited, not by the possession merely of talents and virtues, but by great and essential services, rendered, and acknowledged to have been rendered, to the state. Can this be stated to be the case in the present instance? An hon. gent. (Mr. Hawkins Browne) has cited the flourishing state of the finances and commerce of the country, compared with what they were twenty years ago, as a decisive proof of what we owe to the eminent statesman that we have lost. But, woe betide us, if, in these times, we measure the prosperity of the country by its riches. When hon. gentlemen talk of our riches, we must ask how long we can be sure of enjoying them? 'Three thousand ducats a year, and but a year in all those ducats!' The prosperity of a country is to be estimated like a West-India estate, not by its annual produce, but by its fee-simple. What did any one think of the value of an estate in the West-Indies, at the moment when admiral Villeneuve was reigning triumphant in those seas; and, till the illustrious hero, whose funeral we lately celebrated, had arrived to drive him back?—My great objection to granting the honours now demanded, is this: it has not been the usage of this country, or of mankind in general, to grant the highest rewards, unless in cases where merit has been crowned with success. Of the many admirals who have been rewarded with the peerage, in every instance there was a certain share of success as well as of merit. If lord St. Vincent had lost half his fleet in the action with the Spaniards, or lord Nelson been defeated, either at the battle of the Nile, or off Trafalgar, although the highest exertion of courage and talents had been proved, the same rewards would not have been given. Lord Nelson displayed as much courage and enterprize at the unsuccessful attack of Teneriffe as in those glorious victories; but if he had lost his life at Teneriffe, it can hardly be supposed, that he would have been honoured with such a funeral as was given to him when he fell in the arms of victory. Now, as to the success of Mr. Pitt, it must be allowed that the change in the state of this country and of Europe, during his time, has been most fatal, and that the last periods of his life have been the most disastrous. Can we, in the face of these facts, in the midst of the very ruin, which his last measures have brought on; whether by his fault or not, I do not enquire; decree the highest honours, that a grateful nation can render in return for the most distinguished services? The character of these measures, and still more the general merits of his political life, can they be now discussed? and should we not be complained of, were we now to attempt it, not only as opening a subject more proper for history than for a debate, but as cruelly raking up the ashes of the dead, now newly consigned to the tomb? The honours which are now proposed, are such as the whole history of our country does not afford a parallel instance of, except in the case of his illustrious father. The services, however, that the great lord Chatham had rendered to the country, and the success of his measures, were such as were never denied by any body; and therefore, the resolution which might be strictly applicable to the father, and which in that case was carried unanimously, stands in fatal contrast to the administration of his son; which, in all its later periods, was eminently unsuccessful, and which very many considered as meriting disapprobation. For these reasons, I think we should exercise the great and solemn privilege we possess with the most mature deliberation, and that we should not, contrary to the usual practice of this and every other country, give the highest honours of the state to mark the memory of a minister, who, though possessing talents as great as ever appeared in any age of the world, a character and frame of mind fitted for every thing most arduous, and feeling, as must have been the case, a strong desire that the country should prosper in his hands, was unsuccessful in the result, and will not, I fear, be recorded to posterity, as having advanced the real interests and the character of the country.

Mr. *R. Ryder* said, the speech of the right hon. gent. who just sat down, had made on his mind so deep an impression, that he could not refrain from expressing his utter astonishment. The right hon. gent. had made such allusions to the political life and conduct of the illustrious statesman, now no more, as could not fail of calling to the recollection of the house, the political conduct of that right hon. gent. himself, when, at the most critical period ever experienced in the history of this country, he had separated himself from his oldest and most intimate political connections in that house, taken a seat in the same cabinet, and fought the same battles, for a series of years, with that illustrious statesman, by whom the constitution of this country was preserved, whom he this night had risen in his place to condemn, and whose measures, throughout the course of his political life, he now reproved with so much asperity. He called upon the house, after the strenuous part that right hon. gent. had borne so long in the chief measures of the late lamented chancellor of the exchequer, to witness the part he had taken this night. The right hon. gent. had shewn a degree of Spartan virtue, which he confessed excited his admiration; he had evinced an heroic disregard of every natural and every moral feeling; but, for the sake of the happiness of the world, he trusted that his conduct would operate rather as a warning to deter, than an example to be followed. The right hon. gent. as well as another hon. friend of his, who spoke early in the debate (Mr. W. Smith), appeared totally to have misunderstood, or misconstrued the object of the motion; for it was emphatically impressed by the hon. member, who had this night brought it forward, and expressly desired to be understood, as not binding any man who should vote on this question, to any opinion whatever, upon any other topic that might be hereafter the subject of discussion. But surely, no man in that house, however different his political principles might be to those of the illustrious statesman, now no more, could fairly feel his principles implicated, in acceding to a signal mark of public respect to the memory of that great man, the purity of whose moral character, the splendour of whose talents, the sincerity of whose zeal, and the importance of whose services to his country, every man, in and out of that house, must acknowledge. The question was not, whether such a mark of public respect should be paid to his memory, because he had held the confidence of his sovereign longer than any former minister had done; nor for the important space he filled in the eyes of Europe, but for the great character which, upon the whole, he had sustained; a character as honourable to the age in which he lived, as it was ornamental to his country; and the loss of whose talents, in the event of his death, presented one of the most durable causes of sorrow in every part of the empire.

Mr. *George Ponsonby* rose, and spoke as follows:—I feel, sir, most sensibly, a high degree of reluctance in rising to oppose the motion now before the house; and, I am persuaded, it is the wish of every liberal mind, that however men may have differed in political opinions from the right hon. gent. who is the subject of this discussion, all animosities, that have heretofore existed, should now cease: and, if the motion of the hon. member had been merely to express sentiments, on the part of this house, favourable to the moral character and good intentions of that right hon. gent. I should most cheerfully have acceded to the motion. But the question really goes, in my understanding, to pledge every man, who votes for this motion, to approve the measures which that minister pursued: so far, however, am I from approving those measures, or wishing their continuance, that I sincerely hope the system will be buried with the man. When I am called upon to mark, with approbation, the political life of a minister, whose measures it has been almost uniformly the fortune of my political life to oppose, by voting to his memory the highest honours that ever a country could confer upon a patriotic statesman, I am bound to examine, whether the system he has pursued was such as to deserve such honourable distinction. But when I compare the situation of this country, when first the direction of its affairs was entrusted to his hands, on the commencement of his political life, with that in which it was left at the moment of his death; when I compare the situation in which Europe stood then, and that in which she stands now, in respect to France, at least, I find nothing to warrant this house in bestowing such distinction upon the memory, such approbation upon the system, pursued by that minister. If I look to the most brilliant periods of British history, and compare them with the present, I find the successors of those illustrious persons to whom the country first owed her freedom, and boasted as her proudest connections, hurled from political existence; the prince of Orange, to whose great predecessor in 1688, this country was indebted for the successes of her glorious revolution, driven from Holland; and the illustrious house of Brunswick expelled from Hanover. In this comparison, therefore, I see no cause to rejoice. If the motion were merely to give credit to that right hon. minister for an earnest wish to serve his country, I am ready to agree, that such was his motive of action; and that his errors were not those of intention but of judgment: but I cannot conceive that measures are entitled to public acknowledgment, and honourable reward, unless it is shewn that they have been successful. But even to men, whose measures have been of the highest importance and advantage to this country, public honours of this kind have not been deemed necessary. What man, I ask, has rendered more important services to this country, or more raised her glory in the eye of nations, than my lord Somers? and yet no public monuments have been voted to his memory. What man, I ask, has borne a higher moral character, or rendered more disinterested and important services to your country than archbishop Tillotson, at the head of your church, a man so disinterested in the public service, and so pure in every thing which related to his personal interests and all pecuniary transactions, that he died destitute of the means of defraying the expences of his own funeral? and yet his country voted him no burial or monument. To whom was the country more highly indebted for her prosperity, and her finance, than to Mr. Pelham, who reduced the interest of money from four to three per cent.? and yet his country voted to him no public funeral. The same may be said of my lord Godolphin, to whom the country owed the highest gratitude, and yet no public funeral or monument was voted to his memory; and therefore, so far as general precedents go, great talents and public virtues in a statesman have not been usually considered as entitled to such marks of public distinction as are now proposed. The only instance was, in the case of the illustrious lord Chatham, the great ancestor of the right hon. gent. now alluded to. He certainly rendered his country the most signal services. I do not wish to draw invidious distinctions, or to question the purity of the hon. member's motives, but I wish him to compare the situation of this country at the conclusion of the peace of 1763, with its situation at the conclusion of the peace of Amiens, or any other peace it shall hereafter conclude with France; and I ask him, whether the comparison will warrant this house in adopting the precedent? In fact, I cannot conceive where lies the claim of such distinction to talents, where they have not been successful; nor has it ever been usual to confer them. I conceive, therefore, the hon. gent. did not duly consider his motion before he propounded it to the house: for, surely, sir, if he had, he could not have imagined we would vote funeral honours, or monumental trophies, to a minister whose measures have been productive of so much misfortune to the country, and whose last and most important project, had so recently terminated in disasters so ruinous to Europe, and so seriously alarming to the British empire. I do not wish, sir, to push my objections to any greater length at this moment: but I cannot give my assent to a motion this night, which would be virtually a contradiction to the votes I have given for a series of years, against all the leading measures of that minister.

Mr. *Rose* said, that he felt at all times a reluctance to occupy much of the attention of the house; his feelings on the present occasion incapacitated him still more from trespassing long on their time. He confessed he had entertained a hope, that the resolution, proposed by his hon. friend, would have been adopted without difficulty, and with unanimity. When in the year 1778, a similar resolution had been proposed, with respect to the illustrious lord Chatham, it was assented to by the existing administration, notwithstanding that noble lord had been one of their most bitter opponents, and had reviled them in the strongest terms, accusing them of the grossest weakness, and the basest treachery. Great statesmen might certainly differ on questions of great importance; but, for his own part, he should consider Mr. Pitt entitled to the appellation of an "excellent statesman," even did he believe that he had been guilty of occasional errors. The noble lord had stated, as a ground of his opposition, that Mr. Pitt had found the country in a prosperous state, and had left it in a ruinous one. Without any wish to provoke a discussion on this point, he would ask, at the time that Mr. Pitt came into office, what was the situation of the country? He found it at the end of a most ruinous war, its commerce annihilated, its navy considerably impaired. What were the consequences of his efforts? During the period of his administration, our resources had been doubled, our manufactures had been doubled, our seamen had been doubled, our shipping had been doubled. The funds, at the period alluded to, were much lower than they are now, after thirteen years war. The revenue was then barely equal to the interest of the debt, and the national expenditure was annually increasing that debt. The contrast in this particular was too obvious to demand illustration. That Mr. Pitt had imposed great burthens, was very true; that he had discovered extraordinary resources, was as true. The question was not, whether the present war had been well or ill conducted; he was sorry to hear this mentioned on the other side, because he earnestly desired on this motion unanimity. His hon. friend had taken his resolution, as he found it recorded on the Journals of the house. He had not altered an iota of the terms in which the similar one on the death of lord Chatham, which was acceded to by the administration of that day, had been conceived. He could not, therefore, with justice be accused of purposely bringing forward any thing in which gentlemen opposite might find it difficult to acquiesce. With respect to the illustrious character who was the lamented object of the present motion, he would only say of him, that he had exhausted his life in serving his country to the best of his great abilities, for it was no exaggeration to say, that the gallant admiral, who had lately closed his brilliant career, by falling in the arms of victory, did not more decidedly lose his life in the service of his country than Mr. Pitt; his anxiety for his country had destroyed him. It was well known to those who were in the room when that great man expired, that the last words he uttered were, "Oh! my country." The motion before the house bound no gentleman to an approbation of any particular act of Mr. Pitt's administration, much less to the measures of the last six months. It went only to assert what was admitted in every corner of England and Europe, that Mr. Pitt was an excellent statesman, and that his loss was irreparable to the country.

Mr. *Fox* rose, and spoke as follows:—I do not know, sir, that ever I rose to address the house in the performance of my public duty with more pain than I do at this moment. I therefore hope that I shall experience some indulgence, if, before I give my vote on this question, I should shortly state the reasons which compel me to oppose the motion now proposed by the hon. gent. under the gallery. The hon. gent. says, that all party feelings and political animosities should be laid aside on the present occasion; I assure him, sir, that I do lay aside all party feelings. If I had any such at this time, they would lead me to vote with the hon. gent. and not against him. At the same time I do not pretend to undervalue party feelings. When a person is convinced that the opinions which he holds, if acted upon, would be productive of benefit to his country, but finds that the only chance of having them acted upon depends upon his connection with a party, and the support which by this means he may acquire, it is his duty to have recourse to a party. He may consider this fairly and justly as the best mode of effectually carrying into execution those measures which, in his estimation, are the most calculated to promote the public prosperity and happiness. But at present it is obvious to every one, that all the motives which are likely to influence me, as far as party is concerned, are on the side of the hon. gent. and would lead me to vote with him. The hon. gent. must see, that if the gratification of party feelings, if ambition, if private interest were my objects, the most proper course for me to pursue, would be to give an immediate assent to this motion. Upon such a supposition, every one must be sensible how much it would be my interest to conciliate, as much as possible, all those who had the greatest respect and value for Mr. Pitt, to drown, if it could be done, the very remembrance of our political contests, and endeavour to gain, by every means that could be imagined, their support and favour. This would be the line of conduct which party views would suggest, as the most proper to follow. But this is not all; there are other motives of no less weight, that strongly recommend the same mode of proceeding. For many of the supporters of the present motion I have a personal friendship, which would make me reluctant to oppose them on such an occasion; but, most of all would it be my interest, as well as my inclination, not to cross, in this instance, the views of the noble lord near me (lord Temple), and other near relations of the deceased minister, with whom I am now likely to be, for the remainder of my life, inseparably connected. The vote, therefore, may be considered as one not given to gratify any feeling of private animosity, or of public ambition, but extorted by a most painful but imperious duty. In every party point of view then, whether my object should be to conciliate those who have the warmest attachment to the memory of Mr. Pitt, or to join with those who are already my political friends, my plan would be to support the hon. gent.'s motion. I will go farther, and say that if feelings were to be allowed to direct our conduct on this occasion, the right hon. gent. opposite (Mr. Rose) might address to our feelings arguments much more powerful than those which he has just now addressed to our reasons. I, sir, have been engaged in a long course of opposition to the person for whom public honours are now claimed. I may say that I have been considered, and perhaps it may be called an honour, as his rival. But I do assure the right hon. gent. and his most zealous admirers, that, during all that time, I never opposed him from a personal motive in my life. I will go still farther, and say, that another motive would lead me to support the motion, and that is the respect which I entertain for many of Mr. Pitt's personal qualities. Great qualities he certainly had, in no ordinary degree, in private life; and great qualities also in points connected with his administration. I do not think this a proper time to enter upon the particular acts of that administration; but in the measure for the establishment of a real sinking fund, he had always my warmest support, and I freely declare my opinion, that this has done a great deal of good to the nation, and, that for this, therefore, the country is highly obliged to him. There is another quality for which he deserves great praise. No minister was ever more disinterested, as far as related to pecuniary matters. His integrity and moderation, in this respect, are confirmed by the state of his affairs when he died. I allow that a minister is not to be considered as moderate and disinterested, merely because he is poor during his life, or at his death. But when I see a minister, who has been in office above twenty years, with the full command of places and public money, without any peculiar extravagance and waste, except what might be expected from the carelessness that perhaps necessarily arose from the multiplicity of duties, to which the attention of a man, in such a situation, must be directed; when I see a minister, under such circumstances, using his influence neither to enrich himself, nor those with whom he is, by family ties, more peculiarly connected, it is impossible for me not to conclude that this man is disinterested. I must say, that he has, with regard to private emolument, acted with a high degree of integrity and moderation. In the course of the long administration of Mr. Pitt, all that he took for himself was, I believe, the wardenship of the Cinque Ports. This was certainly in him highly disinterested; and his disinterestedness in this respect shines with the more lustre, when we consider the mode in which, according to report, this reward has been since disposed of. I, therefore, sir, have every reason, from my intimate friendship and near connection with the living, and from my own private feelings and respect for the dead, who undoubtedly possessed many estimable qualities, to give my support to the motion now before the house. I might be led to this by another motive. If personal vanity had any weight with me, I might from this consideration concur with the hon. gent. I might by this means gain a great deal of applause, without any loss whatever in a party point of view, and I do not pretend to be insensible to praise any more than others. But there are cases, sir, in which our public duty is so clear and imperious, that no desire of praise, no motive of personal respect, no wish to gratify our friends, nor any other consideration, however powerful, can possibly enable us to dispense with it, and in my conscience, sir, I believe this to be one of those cases. If the marks of respect were such as did not compromise my public duty in the compliance, no person would join in it more cheerfully and more eagerly than I would. If, for instance, it had been proposed to remedy those pecuniary difficulties which Mr. Pitt had incurred in the course of his political life; if it had been proposed to do those things for his relations in that way, which his own acknowledged disinterestedness did not allow him to do; if it had been proposed to supply the deficiencies of his own fortune, I would most willingly consent that all this should be done in the most liberal manner. But it is a very different thing to be called upon to confer honours upon Mr. Pitt as an "excellent statesman." We ought not, sir, in such cases, to be complimented out of our consent, if our public duty commands us to oppose the grant of such honours. Public honours are matters of the highest importance, because they must more or less influence posterity. They ought not, therefore, to be conferred lightly, but only where merit is clearly seen and acknowledged. I could farther add, sir, that the manner in which the hon. gent. opened this business, would lead me to give his motion my support; but when public honours are solicited, it becomes me to consult neither my interest nor my feelings, but to adhere rigidly and conscientiously to my public duty. I need not add any thing to what has been said respecting honours conferred upon military men and statesmen, by my right hon. friend on the bench near me (Mr. Windham), who has so ably and clearly pointed out the distinction between the two cases. As little need I add to what has been said by my hon. friend on my right hand (Mr. Ponsonby), respecting many eminent public men, on whom no honours of this kind were conferred, and for whom none were solicited, though their talents, virtues, and good intentions were unquestionable. It is not to particular acts only that we are to look; we must consider the general effect which these acts produce, with a view to the public benefit. Certainly, when I look at lord Chatham's monument; when I find the inscription bearing upon the face of it the grounds upon which this monument was voted; when I find it there stated, that he had reduced the power of France to a very low ebb, and raised the prosperity of his country to a very high pitch; I must say, that this case can never be compared with that of lord Chatham. I must say, that the country at present is reduced to the most dangerous and alarming situation—a situation which might call for any thing rather than honours to be conferred upon him, who had the direction of the measures which brought it to this state. The right hon. gent. (Mr. Rose) has told us, that in the case of lord Chatham there was the most perfect unanimity, though there were many in the house who had opposed his political principles. Why, so there was; but then, sir, the merit was clear, and the inscription related to points on which there must have been the most perfect unanimity; and though certainly during the seven years war there was a strong opposition, yet his merit on certain points, to which the inscription referred, was allowed by the bitterest of his antagonists. But though no consideration ought to induce us to betray our trust in conferring the public honours, yet at the same time there are cases in which the effects of this might be less sensibly felt. For instance, in cases where we should be compelled to oppose particular acts of an administration, we might still make a clear distinction between what was good and what was bad. In the present case I shall not enter upon the particular acts. In deciding upon this question, I should be unwilling to take any one particular act of the administration of the late minister. I always thought, and do still think, that an unfortunate system of government has pervaded the whole of the present reign; and I firmly believe that system to have been the cause of all the disasters and disappointments which the country has experienced, almost uniformly throughout the whole course of it. Being of this opinion, how can I conscientiously say that he who followed this system was an "excellent statesman?" To that system I ascribe the loss of the American Colonies, and I cannot but impute blame, instead of praise or honour, to all the ministers who have supported it. The earl of Guildford who conducted the war, in the event of which those colonies were lost, was a man of very uncommon talents, and of very amiable qualities. Towards the latter part of his life, I was connected with him, not only in political opinions, but also in habits of the most intimate friendship. But, notwithstanding all that, I have no hesitation in declaring, that if, at the decease of that nobleman, any motion similar to the present had been made in this house, much as I esteemed and loved him, and still more dearly as I loved his son, the late earl, I should have been the very foremost to oppose it. Thinking, as I do, of the disastrous effects of that system, which I before stated to have prevailed through the present reign, I cannot but accuse the late minister of having, I will not say criminally, for the expression might sound, in some ears, too harsh, but, most unfortunately, lent his brilliant talents and his commanding eloquence, to the support of it. In having done so, and with the knowledge he must have had of it, I esteem him the more culpable, as without that splendour of mental endowment, which enabled him to throw a veil over the hideous deformity of the system alluded to, I am fully persuaded, that it could not have resisted the attacks made upon it, and consequently could not have existed, and spread its baneful influence half so long. No man can be more desirous than I am, to bury in oblivion the remembrance of those contests in which we had so long been engaged. This I shewed plainly enough while he was alive. But, I cannot consent to confer public honours, on the ground of his being an "excellent statesman," on the man, who, in my opinion, was the sole, certainly the chief supporter of a system, which I had early been taught to consider as a bad one. Thinking thus, it cannot be expected that I should so far forget my public duty, and the principles which I have uniformly professed, as to subscribe to the condemnation of those principles, by agreeing to the motion now before the house. But, I defy the hon. gent., I defy any person who differs from me, I defy any one of those who are most desirous of misrepresenting my motives, to point out any possible feeling of interest or ambition, that could induce me to oppose it. My motive is a sense of public duty, which would be violated, if I were to agree to confer honours, on grounds which to me do not appear to warrant my concurrence. Sir, I am sorry that this motion was ever made. I said so before, and if those who were most nearly connected with Mr. Pitt by the ties of blood, and who may be supposed to be most interested in his glory, and the respect that is to attend his memory, had been consulted, I believe a mode might have been struck out, by which a suitable mark of respect might have been conferred on him, without reducing us to this dilemma. Now, however, it is too late. The thing is done, and cannot be helped, and nothing remains for us but to do our duty, however much our feelings may be hurt by the performance. I must therefore conclude with saying, that, in my opinion, my public duty does call upon me in the most imperious and irresistible manner, to oppose the motion; and that however painful to my feelings in every respect it may be, I must do my duty.

Lord *Castlereagh* said, that the few observations which he had to submit to the house upon this subject, were not meant so much as a reply to what had fallen from the hon. member who had just sat down, and who had spoken throughout by no means in the spirit of an adversary, but rather with a liberality that was highly honourable to his feelings and character. The testimony of the hon. gent. to the exalted virtue, and the incorruptible honour of his right hon. friend, must be peculiarly gratifying to all those who revered the memory, who valued the fame of the illustrious personage who was the subject of this debate. Upon the arguments of that hon. gent. in opposition to this motion, it was not his intention to reason. This, in fact, was not a question to be determined by argument. It was quite a question of feeling. The acquiescence of that house and the country, in such a proposition, was more to be looked for from intuitive feeling than from cold reason; and if that feeling did not exist, it was in vain to think of arguing men into it. With regard to the allusions which had been made in the course of the debate to the merits of that distinguished person, the late earl of Chatham, and the attempts to contrast these merits with those of Mr. Pitt, he felt himself justified in saying, that there was a very marked distinction between the cases of both. The different circumstances in which they were placed, must be taken into consideration before any fair estimate could be formed of their relative merits. Mr. Pitt, it was known, had to manage the government in times of peculiar peril, at an era indeed unparalleled in the history of this country or of the world—without any precedent whatever to assist his judgment, much less to direct his way. In that unprecedented situation, Mr. Pitt conducted himself in such a manner as to merit the approbation and obtain the confidence of parliament and the country. Was it, then, too much on the part of the friends of such a man to require the proposed mark of public respect and gratitude? or would it be consistent with the honour of parliament, or agreeable to the feelings of the country, to withhold it? But the danger of precedent had been dwelt upon. It was contended that similar honours had been withheld from men of equally eminent abilities. A right hon. gentleman (Mr. Windham) had mentioned, that the splendid talents and public services of Mr. Burke gave him a much higher claim to public honours than could be asserted to belong to the character of Mr. Pitt. For the memory of Mr. Burke the noble lord professed the utmost reverence; for the services which he had rendered his country he felt the warmest gratitude. Towards that great and meritorious individual he could not be supposed to entertain the same degree of admiration with that which was, no doubt, felt by the right hon. gent. who had the good fortune to possess the opportunity, from intimate intercourse, to observe the virtues and to appreciate the merits of that great man. But although he had not the advantage of such opportunity, still he admired sincerely and warmly the character of Mr. Burke. He conceived, however, that the character of this celebrated individual was not of such a nature as to warrant any man in bringing it into competition with that of Mr. Pitt. There were so many points of difference between the two men, that a comparison between them could not be fairly instituted. Indeed, the right hon. gent. himself must be aware, that however he might regret the circumstance, he could not persuade parliament, upon just grounds, to adjudicate to Mr. Burke the same honours that were now proposed to be done to the remains of Mr. Pitt. Differing widely as he did from the gentlemen on the other side, as to the conduct of the recent transactions on the continent, however unfortunate the result, he could not in the slightest degree assent to the justice of the assertion, that these transactions served to abate the claims of his deceased friend to the esteem of that house and the country. Quite the contrary. But into this subject he did not at present wish to enter. That would more properly come before the house at another time; and he deprecated the idea of any man voting upon this occasion who should suffer his mind to be influenced by the contemplation of that subject, upon which but very few men at present were enabled to form a correct opinion. The documents necessary to a full understanding of the conduct of ministers would be speedily laid before the house. The means they had employed, the measures they had pursued, would be entirely made known; and upon a full and fair review, it would be for the house to judge; but he protested against any premature judgment. His own sentiment, he had no hesitation to say, coincided with that which the house had heard from the hon. officer who sat on the same side with him (gen. Tarleton). From the most ample enquiry he was able to make, the conviction of his mind was, that the conduct of the last six months of his deceased friend's administration evinced a series of the most splendid efforts, not only for the salvation of this country but of Europe. If these efforts had failed, he was persuaded it would appear that their failure was not the result of any fatality that was justly attributable to him. If they failed through the weakness of those courts with whom we were to co-operate, or through the incapacity of those to whom the execution of their plans was intrusted; if it was not the fortune of Mr. Pitt to meet a correspondent energy in those who were equally interested in the common cause, whose effective aid was essential to the accomplishment of his projects, surely that was not to be ascribed to him as a ground of incapacity. As far as his arrangements could extend, as far as his influence could operate, as far as he was implicated, there was not the shadow of doubt that his conduct would prove, upon the fullest investigation, to have been not merely free from blame, but entitled to praise. Passing, however, by the whole of this question, he saw quite enough, in the eventful life of Mr. Pitt, to justify the highest eulogium. The judgment, activity, and resolution, manifested by his deceased friend during the progress of the French Revolution, was amply sufficient to sustain even more than the proposition before the house. This, however, he was aware was not a ground upon which he could rest any claim to praise from the hon. gent. who spoke last, or those friends who immediately surrounded him, because they uniformly opposed his right hon. friend; but certainly it was one which entitled him to expect the acquiescence of the right hon. gent. on the lower bench (Mr. Windham) and others, who at that period thought it their duty to separate from their present connections, and rally themselves with Mr. Pitt, whose energy, wisdom and patriotism were, for several years, the favourite theme of their panegyric. Surely those hon. gentlemen could not consistently deny that the administration of Mr. Pitt, during that important period, alone warranted his friends in claiming for him the most honourable and elevated distinction.—As to the objections that were made to the particular terms of the motion, he felt that it would be quite impossible to draw it up in such a way as at once to meet the wishes of Mr. Pitt's friends, to correspond with those feelings which his death was so peculiarly calculated to excite, and at the same time to be perfectly reconcileable with the sentiments of those gentlemen on the other side, who had been in the habit of acting in direct opposition to him throughout the whole of his public life. Upon such a subject it was much to be regretted that any dissention should arise. It was sincerely the wish of Mr. Pitt's friends to avoid it. But still it was felt that Mr. Pitt's friends should not shrink from their duty, should not suppress their feelings, should not withold from great public merit a just tribute of public respect merely to avoid the hazard of incurring some difference of opinion.—Although the support of the hon. gent. on the other side was not to be calculated upon, he had no doubt that the motion would be adopted. Indeed he felt confident that it would. The house would act inconsistently with its own opinion, repeatedly expressed, if it hesitated to recognize the merit, if it declined to distinguish the memory of Mr. Pitt. Such a thing was not to be supposed possible. Unanimity upon such a question was, no doubt, highly desirable; but that he clearly saw was not to be obtained. It was evidently impossible to model a motion of this nature, so as to make it agreeable to the sentiments of the gentlemen on the other side. Yet, for himself he must say, that, were he to have framed a motion from his own, perhaps partial feelings, it would have been much stronger than that now before the house. Impressed as he was with the eminent virtues, the transcendant talents, the distinguished service of his deceased friend, he had no difficulty in stating, that he should have felt the compliment paid to his illustrious father, and which his hon. friend had copied, rather cold and inadequate on this occasion; but it was deemed advisable to follow the precedent chalked out in the case of lord Chatham, and the precise words were adopted; because, even highly as Mr. Pitt's friends, with justice, esteemed his merits, it was not conceived right to take any novel or extraordinary proceeding, to mark the public deference for his character. It was not thought just to place the name of Mr. Pitt on such a pedestal, as should by its comparative elevation depress the distinction and consequence of other meritorious public men.—With respect to the observations of a learned gent. on the other side, (Mr. Ponsonby) that the system pursued by Mr. Pitt should be altogether abandoned, that it should be interred with him, he begged to remark to the learned gent. nay, he would advise him, if he wished to attach the confidence of parliament and the country to the party with which he acted, to adopt a different tone. For he had little doubt, that if dangers should arise similar to those against which Mr. Pitt contended, the councils of the country would feel it necessary to recur to the system of Mr. Pitt. The efficacy of that system had been experienced, its benefit to the country was universally felt and acknowledged. To that system we, in fact, owed the internal peace of England amid the convulsions of Europe, and the security of the English constitution. To that system the learned gent. owed the consequence he possessed, the honours that awaited him. Any deviations, therefore, from such a system, under similar circumstances, it was not wise to recommend; and sure he was, that such recommendation would not be graciously received among the respectable and intelligent part of the people.—Adverting to the remarks that had been made on the alleged failures of Mr. Pitt, the noble lord challenged any gent. to mention a minister in the history of the country, who, if success were to be the criterion upon which public honours were to be voted, was by any means entitled to such honours as Mr. Pitt. Had not that distinguished person saved the constitution? Had not the measures of his administration been productive of unprecedented prosperity? And were not the success of our arms in war, infinitely more splendid than any thing that had been achieved during the administration of every one of his predecessors, not even excepting that of his illustrious father? Whether we looked to the amount of our military forces, and their efficiency wherever they had occasion to act; whether we looked to our means of defence or attack, we saw ample grounds to assert the success, to panegyrize the wisdom and vigour of Mr. Pitt. But if we looked to our navy, what an impressive testimony of his active vigilance and provident attention presented itself to our view! It was notorious, that, under his administration, that important branch of our power had advanced by rapid progression, and attained unparalleled glory. In that department indeed, his administration presented a series of the most brilliant successes, terminating in that glorious action which immediately preceded his death, which from its character and result, seemed to have crowned the expectation which even a sanguine admiration of the British navy would induce one to form.—The noble lord expressed a hope that the feelings by which he was actuated, would plead his excuse for trespassing so long on the attention of the house. He professed the utmost anxiety to avoid any observation that had the least tendency to render the debate personal, or to provoke party feelings. In this, indeed, he but imitated the conduct of the gentlemen on the other side, who had throughout performed what they conceived to be their duty, in a manner that redounded highly to their credit. Certainly, the friends of Mr. Pitt had no reason to complain of any part of the course pursued by these gentlemen. Not an expression was heard that was calculated to excite an unpleasant sensation; and he was happy to perceive that the discussion was, on the whole, not less honourable to the individuals engaged in it, than it was creditable to the individual who was the subject of it.

Mr. *Wilberforce* rose, to bear testimony to the great public virtues and splendid talents of Mr. Pitt, in whom he declared the love of country was to be found as sincere and ardent as ever yet existed in any human bosom. With regard to the assertion, that success was a proper criterion by which to appreciate the merit of a great man, the hon. gent. reprobated the idea, as inconsistent with wisdom and justice. But if the character of Mr. Pitt were to be tried by that rule, where were we to look among the great men of ancient or modern times, for any who had stronger claims to the gratitude and respect of their country, than those which could be advanced in favour of that illustrious personage? Success, however, might be, in many instances, a very erroneous criterion of real merit. Results might sometimes arise, the cause and credit of which might not at all belong to the plan of operations intended to produce them. He was aware that parliament acted entirely from results, in voting addresses for naval or military achievements. But the reason of that mode of proceeding was obvious. The parliament could not act as a military or naval court martial. It did not belong to them to enquire, or to plan or conduct. Upon such subjects they could only decide from results. But the case was quite different with regard to great projects of domestic or foreign policy. Such projects the house was able to examine, and, upon examination, they might appear to have been contrived with the utmost wisdom, although productive of very unfortunate results, through the weakness or treachery of those employed to carry them into execution. The application of these general remarks, the hon. gent. observed, must be obvious: they were meant to guard against premature impressions upon a subject, into which he would not enter further at present, as he was very unwilling to utter any sentiment upon this occasion, that was likely to excite opposition. He would offer no opinion upon the subject of the last campaign, but simply observe, that it did not follow, that, because success was on the side of the enemy, Mr. Pitt was to be allowed no merit. This question, however, was yet to be determined; and, until the determination should be pronounced, he would not pretend to say that his deceased friend was deserving of praise, at the same time that he protested against the application of censure. But, overlooking this question altogether, there was a part of Mr. Pitt's political life, upon which the world had long determined, which fully entitled that great ornament of his country to his country's best wishes. When the revolutionary spirit had convulsed France, and alarmed the whole civilised world, that distinguished statesman completely succeeded, by the vigour and sagacity of his measures, in preventing that dreadful plague from reaching us. This was the main source of his distinction; this was the great pedestal of his fame.—The hon. gent. pronounced an high eulogium on the manner in which the proposition had been discussed by the gentlemen on the other side. Their conduct, he conceived to be not only honourable to their own character, but to that of their country. It afforded a signal instance, that the spirit of party could not operate in the breasts of Englishmen, to extinguish those feelings and sentiments, which enable men fairly to judge of character, and justly to estimate merit. He declared that he felt great satisfaction in contemplating the course of this discussion, which he had no doubt would terminate in the adoption of his hon. friend's motion. To that motion he was happy to give his warmest support, and that he felt but a small tribute of deference to the memory of a man who was ever the object of his esteem and admiration, who was equally distinguished for great talents, for exalted character, for enlarged views, for personal purity, and for indefatigable patriotism. Of him, indeed, it might well be said, that the first wish of his heart was the good of his fellow creatures, and the sole object of his study that of his country. Undoubtedly, had self been of any consequence in his consideration, he might have materially contributed to promote his own views of policy by cultivating connections and private friendships. But to these things, which are so diligently consulted, and which are of such material use to other public men, Mr. Pitt was quite inattentive. To whatever regarded his own interest, he was perfectly indifferent. Indeed this distinguished man was always forgetting himself, but ever remembering his country.

Sir *Robert Williams* said, that he was not aware he could make any motion to effect his wishes, but that he hoped and trusted that the friends of the illustrious person who was the subject of the debate, would all attend his remains to the grave.—The house then divided, and the numbers were—

For Mr. Lascelles' motion		258
Against it	-	89
Majority	-	169

The ayes having come forth, were addressed by lord Castlereagh, while in the lobby, nearly in the following words:—Gentlemen, to-morrow the Treaties alluded to in his majesty's speech, will be laid before the house; and a day will probably be named for discussing that great question, involving so much of the merits and character of Mr. Pitt. I hope and trust, that gentlemen will give a full attendance on that day; which will be more necessary, as we have lost the splendid talents of that great man.—Strangers were not re-admitted into the gallery; but, we are informed, that Mr. Cartwright gave notice of a motion for Monday next, for the payment of Mr. Pitt's debts.

HOUSE OF LORDS.

Tuesday, January 28.

[CONTINENTAL WAR.] Lord *Mulgrave* said, he was commanded by his majesty to lay before the house copies of treaties entered into between his majesty and the king of Sweden, and the emperor of Russia, and also of the accession thereto of the emperor of Germany and Austria. He wished there had been a fuller attendance of their lordships, in order that he might have fully explained the reason of expediency and necessity, which he conceived to exist, for withholding certain articles which formed parts of those treaties. This explanation he should, under the present circumstances, reserve, until the remainder of the documents should be laid on their lordships' table. He thought it his duty, however, to state now to their lordships, that to the treaty of St. Petersburgh, as it now existed, or at least as it came to this country, there were attached fifteen supplementary articles; of these, the tenth article was never ratified; it was of course, therefore, nugatory, and of no validity: of the remaining articles, the second, third, seventh, and ninth, contained recitals, the publication of which might be injurious to the welfare or the safety of other nations; and, therefore, it had been thought expedient to withhold them. He could, at the same time, assure their lordships, that the articles he had just alluded to, were merely conditional and prospective, and did not bear upon any of the points of the question respecting the late transactions upon the continent, which their lordships would have to discuss. With respect to the propriety of withholding these articles, he was convinced no other motive could be imputed to himself, and those with whom he had the honour to act, than a desire to do nothing that should be in the least detrimental to any of those powers to whom the treaties referred. They could, indeed, have no other motive, as those who, in all probability, would shortly succeed to the offices occupied by himself and his colleagues, would have an opportunity of investigating the documents themselves, and of judging whether or not his majesty's present ministers had been actuated by a proper caution in withholding them. With some of those noble lords, who would probably soon succeed to office, he had not the honour of being personally acquainted; with respect to others, he could rely most confidently upon their candour and justice; and even if they should be convinced that his majesty's present ministers had been too cautious in this instance, he was satisfied they would do ample justice to the purity of the motives which actuated himself and his colleagues, when they inspected the documents which were now withheld, and which would then come into their possession. He was at the same time most anxious that every document which could with safety or propriety be produced, should be laid before the house, in order that the whole of the late transactions on the continent might be fully developed and laid open for discussion. He was ready to admit that the unfortunate issue of the late events on the continent, that that unfortunate transaction which put a period to the hopes derived from the employment of vast resources, demanded investigation; but he was equally ready to declare that his majesty's ministers did not shrink from the discussion, that they wished to meet it fairly and fully in every part. It was still more his anxious wish that the discussion might take place, in order that the character of that illustrious statesman, that earnest and anxious patriot, whose loss they all deeply deplored, might be fully cleared, as it undoubtedly would be, from any imputation arising from the contemplation of the late unfortunate events on the continent. He was fully convinced, that the result of such a discussion would be a thorough justification of the plans of his majesty's ministers, and a complete refutation of every attack made upon that illustrious statesman, in consequence of the unfortunate issue of a well-concerted plan. He should decline entering into any farther discussion of the subject at present; when the papers were printed, a day would probably be fixed for the investigation of the subject, when he should enter at large into its consideration. The papers were then ordered to lie on the table. The duke of Norfolk urged the necessity of their being printed. Lord Hawkesbury replied, that being laid before the house by his majesty's command, they would be printed by the king's order.

[VOTE OF THANKS TO THE NAVY.] Lord *Hawkesbury* rose, pursuant to notice, to move the thanks of the house to vice-admiral lord Collingwood, and the officers and men under his command, for their conduct in the action, and achieving the glorious victory off Trafalgar, on the 21st of October last. In stating the grounds on which that motion proceeded, respecting which, he felt confident, there would be no difference of opinion in that house, he believed it would not be deemed irrelevant in him, before he proceeded farther, to endeavour to pay that tribute of applause, which they all must feel was due to that great and illustrious commander, under whose auspices that signal and glorious victory was achieved, whom it was the misfortune of the country to lose in the moment of victory; but a consummation, so glorious to himself, incontrovertibly established his claim to the meed of immortal honour. That, however, was not the sole misfortune the country had recently experienced. She had the misfortune, within a few months, to lose two of the most distinguished military and political characters that ever graced her annals, at an early, and about the same period of their respective lives; under circumstances, and at a time, when all the abilities, vigour, talent, and energy of the country, was requisite for her preservation. He felt, that part of what he now alluded to, was foreign from the subject he had regularly to observe upon, but so much more strongly the occasion which suggested it, that he could not repress its expression. His lordship proceeded to expatiate upon the character of the other illustrious individual, who was the subject of his recent general panegyric. The whole life of that great officer, he observed, was devoted to the service of his country; and never did there exist a person more fully and variously qualified effectually to forward that service, than the noble and gallant viscount, to whom he alluded. In contemplating his professional character, it was impossible to refrain from adverting to the merits of those who had the opportunity of improving those talents, and directing that spirit of enterprise and intrepidity which displayed itself in his earlier years. On this head, much credit was due to sir Peter Parker, to lord Hood, to earl St. Vincent, and other distinguished officers, to whom such opportunities were afforded. To these, for their early distinguishing, and calling into action, the important qualifications, with which the late gallant viscount was so eminently endowed, much praise was due; and so far, it might be said, those distinguished officers, in the first instance, contributed their parts to the glorious and important services he subsequently rendered. It was not, however, to these great and pre-eminent considerations, of the important victories of the Nile, Copenhagen, and Trafalgar, that their lordships were alone to look for the merits and perfections of that gallant officer; on various occasions, even in the earliest part of his professional life, they were eminently to be found. His various services, as a subordinate officer, while on the Mediterranean station, were, in that point of view, particularly to be regarded. In that quarter, not only his zeal and intrepidity were repeatedly manifested, but his talents and professional skill, and in a way which was unequalled by any other officer in similar circumstances! and the same superior display of talent and enterprise was uniformly exhibited by him on every occasion of separate command. When his majesty was first pleased to order a specific remuneration for his services, on the formal representation thereof, which, on his part, became necessary on such an occasion, that illustrious officer had truly set forth, that he was concerned in the capture of seven ships of the line, ten frigates, and a number of smaller armed vessels; that he had been one hundred and twenty times in action with his majesty's enemies, that he had lost one of his limbs, and one of his eyes. These were among the services of his early life, when he was yet comparatively unknown to the country as a distinguished commander, and previous to those glorious and immortal victories which eternised his fame to all posterity. On all these more important occasions, to which extensive command and proportionate responsibility were attached, his powers and exertions appeared to grow and to increase, in proportion to the magnitude and importance of the service on which he was employed.—The late glorious action off

Trafalgar, the circumstances of which were so recent and so fresh in all their lordships' minds, it was needless to expatiate on; suffice it to say, that in extensive and important consequences, it exceeded every thing of the kind that graced the annals of the country. That glorious victory bore the same proportion in its magnitude, brilliancy, and important consequences, to the achievement at Copenhagen, that the latter did to the previously unparalleled victory of the Nile, and which, in fact, that victory did, in all those respects, to every other that preceded it. It seemed as if the energies of his mind, and the powers of his exertion, expanded, and progressively increased, on the respective occasions of those glorious victories, and in each of them he seemed to surpass what he had exhibited in the foregoing instance. The superior endowments possessed by the gallant admiral, were not to be considered alone as operating through himself; his example and influence pervaded all those who were placed under him in command; his merits were not confined to that glorious energy he displayed in the heat of action; the coolness and discrimination of his mind, formed a pre-eminent trait in his character; his promptitude to make the most of every advantage that presented itself; a most striking instance of which, and of unprecedented presence of mind, was manifested in his conduct in the critical and important affair at Copenhagen. These, however, were far from constituting the whole of his merits as an officer; his breast burned with a pure, a noble, a generous love of glory, which was the main spring of all his heroic actions; and he had the faculty of electrifying all those around him with a similar enthusiasm. No marks of ferocity or cruelty, which so often stained the laurels of successful victories, ever dimmed the lustre of his achievements; but humanity and mercy were the characteristics of his glorious conduct after the hour of victory. His conduct in private life was equally admirable with that which he uniformly manifested in his professional career. All the virtues which could adorn human nature, were to be found in the illustrious Nelson. The attribute of mercy was what most eminently distinguished him. In the language of the poet, it was not his wish to

> " Wade through slaughter to a throne,
> " Or shut the gates of mercy on mankind."

It was impossible the glorious example of such a man could be without a correspondent effect on the character of others. In this way was to be considered the conduct of many of those who were placed under his command. The high opinion which the gallant lord expressed for that meritorious officer, whose conduct was more regularly the subject of consideration that night, was equally creditable to both. On leaving this country, he expressed his satisfaction at the appointment of the noble Collingwood to the command; and his perfect confidence in his skill, talents and exertions. He then proceeded to comment on the gallant and meritorious conduct of lord Collingwood, in the action off Trafalgar, and of which many of the most skilful of the profession spoke in terms of unqualified applause. The first motion which he had to submit to their lordships was, for the thanks of the house to vice-admiral lord Collingwood; the second was for the like to rear-admiral the earl of Northesk; and, lastly, to the subordinate officers and seamen under their command; and, if ever skill and bravery were manifested by British officers and seamen, on any one occasion more than another, it was in the action off Trafalgar. Of this splendid and important victory, there was one prominent circumstance to be considered; namely, the great inequality of the contending fleets. He had to apologise to their lordships, for having detained them rather longer than was usual on such instances, but the proportionably greater magnitude and importance of the particular occasion, he trusted, would plead his excuse. He then moved, "That the thanks of this house be given to vice-admiral lord Collingwood, for his very gallant and meritorious conduct in the command of the fleet under the late admiral lord viscount Nelson, in the action off Cape Trafalgar, on the 21st of October last, and that the lord Chancellor do communicate the said thanks to his lordship."

The Duke of *Clarence* stated, that he did not rise for the purpose of proposing an amendment, or creating a difference of opinion respecting the resolution which the noble secretary of state had introduced, with a degree of eloquence and feeling which claimed his particular thanks. He had, however, prepared some words, which after a few observations, he would read to the house, and their lordships would adopt them, if they thought proper. H. R. H. then went into the details of the professional life of lord Nelson, during the 23 years he had the honour of being acquainted with him. He stated, that one of the most excellent features in the character of his late gallant friend, was that devout sense of religion which he preserved in every situation of his life. As a proof of what he had mentioned, he would read, with permission of the house, the last lines which lord Nelson had written. So composed was he, that when the fleet was advancing to force the enemy's line, and before the firing began, which did not commence until after the line had been broken, he sat down and wrote what he should now read. The illustrious duke then read a prayer, the first sentence of which was to the following purport: "May Almighty God, whom I worship with all my heart, for the sake of my country and of all Europe, grant me a glorious victory!" The last sentence expressed his determination not to forget "the duties of humanity;" and the prayer concluded with "amen, amen, amen." H. R. H. then read the form of words in which he wished the resolution should be couched; differing but little from that moved by lord Hawkesbury, except that it conveyed the thanks of the house to lord Collingwood, for "his decision in destroying the ships which had been captured." H. R. H. did not think such an amendment unusual; a similar one, he imagined had been moved, when a noble lord near him (earl Spencer) was at the head of the Amiralty.

Earl *Spencer* said, he did not recollect any such amendment. He was glad that what fell from the royal duke, prevented his giving a silent vote upon a subject of such importance, and on which he felt so deeply. He fully agreed with every thing that fell from the noble secretary of state; but though the country had to lament the loss of lord Nelson, yet he trusted his glorious example would inspire the breasts of other commanders, in every particular, to emulate his admirable conduct.

Lord *Hawkesbury* thought it unusual to word such motions so minutely, which it was the usage of parliament to express in the most general terms. He should, however, willingly adopt the spirit of that part of the amendment which recognized the services performed by lord Collingwood, after the battle of Trafalgar.

Lord *Hood* rose and spoke as follows: I cannot refrain from troubling your lordships with a few words, from the very high opinion I have long entertained of that truly meritorious officer lord Collingwood, as well as of the earl of Northesk, and the very many captains I have a high respect for, that bore so conspicuous a part in the glorious and unparalleled victory of Trafalgar; and I will venture to presage, that the noble lord now in the command of his majesty's fleet in the Mediterranean, wants only an opportunity to prove himself another Nelson, in judgment as well as valour. No one is better able to estimate the transcendent merit of the late viscount Nelson than I am, as it was my good fortune to have his lordship three years under my command, with opportunities of placing him in situations that gave full scope for the exercise of that zeal, judgment, and bravery, I well knew to be inherent in him; therefore, whatever tends to perpetuate to the latest posterity the great and brilliant services of my late much lamented, and truly respected friend, must have my most cordial approbation; and to give it, is highly gratifying to my feelings. After what has been so very ably, fully, and justly expressed by the noble mover, it would ill become me to trespass longer on your lordships' indulgence.

Lord *Sidmouth* said, he could not content himself with giving a silent vote upon the motion before their lordships. The events of the last summer were among the most brilliant achievements which were to be found in the naval annals of England. There was not one of those actions which was not entitled to distinct praise; but the victory of Trafalgar stood proudly preeminent, and eclipsed the glory which would otherwise have encircled them. He should consider it as one of the happiest circumstances of his life that he had been connected in administration with a noble earl (St. Vincent), to whose judgment the selection of lord Nelson for the command in the Mediterranean was to be attributed. Of the zeal and distinguished talents of that great commander he had occasion to judge, and the result of his judgment was, that no officer was ever better qualified for the important enterprizes which had been committed to him. He had left behind him a name which would ever exist in the memory of his countrymen. The feelings which his glorious but lamented death had excited, even smothered and suppressed the exultation which would otherwise have followed the great event that had occasioned it. It was one of the great qualities inherent in his character, that he inspired all around him with the same gallant enthusiasm and ardent zeal in the service of his country which he felt himself. In the prime of his life, in the blaze of his fame, he had fallen. His death had made an indelible and lasting impression on the hearts of his countrymen, but it had this of consolation in it, that it left a glowing example to future times. With the highest opinion of the conduct of lord Collingwood in the late action, for which no praise could be too great, he wished the illustrious duke would not insist upon the amendment which he had read. He thought it adviseable, upon such occasions, to adhere as closely as possible to former precedents.

Lord *Hawkesbury* observed, with respect to the latter part of the royal duke's amendment, the insertion of the words "and for his conduct after the action," would be totally unobjectionable, and generally met his royal highness's idea. The words were, therefore, ordered to be inserted; and the motion, so amended, was agreed to, nem. diss.—His lordship then proposed the thanks of the house to rear-admiral the earl of Northesk, for his conduct in the said action, and to the several captains and subordinate officers in the fleet. A short conversation here took place between the duke of Clarence, the lord chancellor, and the noble secretary of state, chiefly on the most regular form of couching the motions: H. R. H. thinking the thanks to rear-admiral the earl of Northesk ought to be the subject of a separate motion. At length the propriety of this observation seemed to be admitted, and the motion was divided accordingly. The thanks of the house to the petty officers and seamen, and to the royal marines, followed, and were voted with equal unanimity. The thanks of the house were then moved also to rear-admiral sir Richard Strachan, for his gallant and meritorious conduct, in the capture of a squadron of the enemy, &c. and afterwards to the officers and seamen under his command.

The Duke of *Clarence* took the opportunity to express his very high approbation of the character and professional conduct of the gallant officer in question, particularly on the important occasion which gave rise to the present motion.

The Duke of *Norfolk* took the opportunity to make some general observations, respecting the conduct and character of certain other officers, who were, perhaps, equally deserving of the praise and the gratitude of their country. He alluded to officers, who were employed in hard and close services, watching the enemy year after year, and through all weathers; who displayed the greatest zeal and talents, and wanted only the opportunity to signalize themselves, perhaps as brilliantly as those who were more fortunate. Such, for instance, was the case of that veteran deserving officer, admiral Cornwallis. With respect also to sir Robert Calder, he seemed to express his regret at what had taken place. He certainly, with an inferior force, had obtained a decided victory, and made captures. He meant not to arraign the decision of the court martial; but, after such conduct on the part of that respectable officer, he regretted things had so turned out, as that he could not be included in the vote of thanks.

The Earl of *St. Vincent* said a few words in consequence of what fell from the noble duke, but in so low a tone, that we could scarcely catch a word from him. He seemed to express his sense of the merits of Sir R. Calder, as an officer; but to be of opinion, that the topic alluded to, with a reference to the good of his Majesty's naval service, should not be made matter of parliamentary discussion.—The question was then put; the thanks to sir R. Strachan, &c. were voted unanimously, and the lord chancellor was desired to communicate them in the usual way.

HOUSE OF COMMONS.

Tuesday, January 28.

[NAVAL ADMINISTRATION OF EARL ST. VINCENT.] Mr. *Jeffery*, in pursuance of his notice of yesterday, called the attention of the house to the order of the 22d inst. for the printing of certain papers, relative to earl St. Vincent, which it was his wish should be discharged. It was not his intention, however, to press this on the house, without shewing his reasons for such a proceeding, which he trusted would prove as satisfactory to the house as they appeared forcible and convincing to his mind. In the first place, he insisted that the sole design of producing those papers was to gain time. From the commencement of this business to the present moment, procrastination seemed to have been the great object of lord St. Vincent and his friends. He could afford no better proof of this than by referring to those voluminous papers, that had been laid on the table, from time to time, and of which, by far the greater part bore not the most distant relevancy to the matters in question. The expedient of printing those papers, which nobody he was sure would read, was another additional support to this procrastinating system, to which he wished a stop to be put as speedily as possible. He would assure the friends of the noble lord, in the mean time, that no procrastination on their part should shake his determination of persevering in the course he had begun. Whatever should be the situation of parties, whatever new administration should be formed, whatever changes should take place in his majesty's government, he would abide by those charges he had originally brought forward, and persist in regarding it as one of his highest parliamentary duties to substantiate and prosecute them. He had charged lord St. Vincent with a criminal neglect of duty in the high official situations he had held, and particularly in his post at the admiralty; and no delay that might be contrived, no obstacle that might be thrown in his way from any quarter would relax his exertions in making good this charge. But he was anxious that this should be done as speedily and with as little expence as possible. If the house, therefore, should concur with him in his motion of rescinding the order for printing those papers, it was his intention to follow up this motion with another for referring them to a select committee, to examine what papers really ought to be printed, and to reject the rest that had no relation to the question, as useless and cumbersome. The printing of such voluminous papers would only create enormous expences, while such as were relevant would be lost amid the great mass of matter, and from their ponderous size, would be useless to the house. It was far from being his wish, at the same time, to press this matter on the house in such a way as to prevent the noble lord or his friends from making the necessary arrangements for his exculpation. He protested to the house that he was actuated by the purest motives in bringing forward the charges he had done, and from no personal animosity to that noble lord. His public duty was the only imperious voice which in this proceeding he obeyed; a voice which he thought every member in that house ought to obey, and a duty which every member ought to feel. He was fulfilling a duty which was equally incumbent on every man in that house.

Mr. *Tierney* here called the hon. gent. to order. He was departing he thought from the forms necessary to be observed in submitting motions to their consideration, and entering into a field not at all connected with the professed object of his motion.

The *Speaker*, was of opinion that the hon. member was at perfect liberty to assign reasons for his motion, and so long as he confined himself to that object, thought he was perfectly in order.

Mr. *Jeffery* then continued, and insisted that at a time when our great national interests were so much at stake, it was the duty of every man to watch with particular care over the interests of that department of the public service on which our safety as well as glory depended. He did not wish to give offence to any member; nor did he think it necessary to extend his explanation; but he must repeat his fixed resolution to bring forward his charges under any circumstances, and under any set of men, for he had such proofs as would not only justify him in the eyes of every reasonable man, but would also condemn the noble lord. It had been said on the part of the noble lord, at an early period of this business, that in order to justify his conduct against the charges alledged against him, such papers would be necessary as, he was afraid, would be too voluminous for the perusal of the house, and that were not likely, many of them, to be got from the public offices. He could not help considering this at first introduced as for the purpose of delay. At any rate this was the very opinion he was at present labouring to establish. No obstacle had been offered to the production of those papers; but they really were of so voluminous a nature as would create great delay by their being printed; and when printed, he was certain would not be read by the house. The hon. member concluded by moving that the papers should not be printed, and that the order for that purpose be discharged. The order being accordingly read, and the question being put from the chair, that so much of the said order as relates to the printing of the papers be discharged,

Admiral *Markham* rose, and said, that when the hon. gent. first brought on those charges against the noble earl, he had expressly stated that he should not be precluded from moving for such papers, as might be thought necessary to his lordship's defence, and that this proposition had been acceded to by the late right hon. chancellor of the exchequer, so much so indeed, that only one paper had been objected to, the production of which, it had been stated, would prove prejudicial to the service, by giving the enemy information which it was the interest of this country to withhold. Were any objection really admissible to the printing of those papers on the ground of making them public, and by this means embarrassing the public service, such objections ought to originate with the lords of the admiralty, and not with the hon. member, who had not the means of knowing those circumstances that might render such an objection proper. But no such objections had been offered by the lords of the admiralty, nor had the hon. gent. himself attempted to establish any such plea. It appeared, indeed, an extraordinary proceeding to him on the part of the hon. gent., that while he brought charges against the noble lord of so serious a nature, and in a language so scurrilous and indecent, he should attempt to shut out the light and prevent access to that information on which the noble earl depended for his vindication. "In the course of what has dropped from the hon. gent." said the hon. admiral, "he has stated, that I had said, at the commencement of this business, there were many papers the public offices would not produce; but the absurdity of this allegation is a sufficient proof that I could never have made use of such expressions." He could never be absurd enough to say so. On the contrary, he had stated that there were none that would be wanted that might not be produced. With respect to one book, called Doomsday book, he had expressed some doubts if it could be forthcoming, and believed it was among the number he had moved for. It was a book regularly kept up during lord St. Vincent's administration, and would have been of very material consequence in his justification. Of the papers, continued the hon. member, which had been moved for and produced, there was not one that was not absolutely necessary. He wished every one of them to be made public. Those papers required only to be known, to return the wanton scurrility of the hon. gent. with accumulated weight on his own head. So determined was he to adhere to the order of the house already made, and so necessary did he feel the publication of those papers, that if the hon. member did not withdraw his motion, he would certainly take the sense of the house on the question. He added also, that he would not be deterred on any account from calling for any farther papers that should appear necessary, notwithstanding the charge of procrastination brought against him with so little reason. There were indeed more papers which he was likely to call for, and which might be produced in the course of two days. This was no trifling question; it involved the very existence of this country, bearing so near a relation as it did to the best means of its defence. It involved the naval interests of the country, and therefore he wished that full and ample enquiry should be made, not only for the sake of the noble lord whose character was at stake, but also for the benefit of the public service, and the good of the community at large. At the same time he could not help observing that, in his opinion, the hon. gent. would have done better to have deferred this motion till another time, and have allowed the formation of a new administration to have been completed before starting a subject of this nature.

Mr. *Peter Moore* had witnessed many extraordinary things in his day, but this was the most extraordinary proceeding he had ever known. The hon. gent. not satisfied with repeating his accusation against lord St. Vincent, had accused the whole house of commons, by saying, that they would not have patience to read the important papers before them. The abstract of the hon. gent.'s argument was simply this: "You shall attend to all the charges that I may from time to time throw out against the noble lord, but you shall not listen to a word of his defence: you shall not even permit him to submit it to the house, but refer it in the most private manner to a committee." What reason the hon. member had to think gentlemen would not read these papers when printed, he knew not, but certain he was it was their duty to do so, and certain he was that it was his intention to read them, as he had done such as had been already produced, and must say that he saw no colourable pretext whatever for the charges alledged, and would therefore advise the hon. gent. to make the *amende honorable*, and retire with the best grace he could.

The *Attorney General* considered the question before the house to be of very considerable importance; and if any one thing was of more importance than another it was certainly the order of proceeding on this subject. However voluminous these papers might be, therefore, he would have them printed, as being the most regular and candid mode of proceeding; and therefore advised the hon. gent. to withdraw his motion, particularly as he did not conceive that there existed at this time any cause that should preclude their being printed.

Mr. Serjeant *Best* could not allow the hon. mover to withdraw his proposition without offering some remarks on the manner in which he had supported it. The substance of what the hon. gent. had advanced was, that he should have all the papers he wished for on his side, but he will only permit you to have such as may be agreeable to him, and not what on your part you may think necessary to meet his charges. I cannot agree, said the learned member, that this investigation in any shape should be referred to a committee. What! After charges of so gross a nature, and conveyed in language, that, to say the best of it, might have better been omitted, shall you say that the papers on which the refutation of those allegations so materially depends, shall not be printed? Ought not the vindication to be as public as the charges? The wisdom and the justice of the house required it, and he was only surprised that a contrary proposition should have been for a moment entertained. The house might easily see, from the spirit in which the motion had been made, that it was unworthy of being entertained. He never, for his own part, had seen the papers, but he certainly had no doubt, from the testimony of the hon. gent. behind him (admiral Markham) that they were necessary to the vindication of the noble lord, and would sufficiently answer that purpose. As a proof how ready the hon. gent. was to make charges without consideration, he had only to refer to the charge he had just made of procrastination, against the house itself. He would ask if it was the intention of this house to procrastinate when they ordered those papers to be printed? This certainly was not an auxiliary step to the procrastination complained of by the hon. gent.

Sir *W. Milner* observed, that the noble earl who was the subject of debate, had for his services been favoured with the freedom of the city of York which he had the honour to represent, and his constituents would have a right to complain, if he tacitly submitted to such a proceeeing, as had been proposed by the hon. gent.

Mr. *Jeffery* again rising, said that there was not a single paper that could be brought forward that would vindicate the noble lord that he did not wish to be laid on the table; but maintained, that great procrastination had taken place last session on this question. More papers it appeared were still wanting, and a book must be also had which nobody knew of but the hon. member himself. He again pledged himself, in the most pointed terms, not only to bring forward the charges he had made against lord St. Vincent when in office, but to substantiate them to the satisfaction of the house. The papers before the house he maintained were irrelevant to the subject. The noble lord had put an end to the system that had before followed; but what did he substitute in its room? The noble lord had declared that he would build 50 sail of the line; but had he produced 40? had he produced 30? had he produced 20? had he produced one?—

The *Speaker* here interrupted the hon. member, by observing, that he was going too far beyond the bounds assigned him by the rules of the house; and that he felt it his duty to confine the hon. member to the question.

Sir *W. Young* thought it a new mode of proceeding, to judge of the relevancy of papers before the question came to be tried. The person competent to judge of the relevancy of those papers was not the man who stood forward as the accuser, but the person who was accused; and it would be time enough for the house to judge of their relevancy when they should be printed, and come before the house in a regular manner. The proceeding of the hon. member he considered as a transgression of the principles of natural justice.

Mr. *Tierney* regarded the accusation brought against the noble lord, of procrastination, as a gross and scandalous calumny. The hon. gent. seemed so confident in his own abilities as not only to think himself adequate to the management of the prosecution in this arduous case, but was also anxious to have the direction and arrangement of the defence. He recommended a greater degree of diffidence to the hon. gent., and advised him to be satisfied with taking the lead in the prosecution. It had been shrewdly suspected, he said, that the hon. gent. had been set on in this business by other persons who had got a rap over the fingers in that department, and wished perhaps to be in good company; and nothing could serve as a greater proof of the truth of this suspicion, than the manner in which he had proceeded in this matter. He would ask the hon. gent. how he came to know what were the contents of those papers? He had not taken the trouble of reading them over, voluminous as they were, since they had been laid on the table, and how could he judge of their relevancy or irrelevancy? He must have seen them in the office then, and he begged leave to say that that was seeing them scandalously and suspiciously. He believed the papers were necessary to the defence. The charge was general, and the investigation of every department therefore that at all related to the duties of the noble lord when in office, became in some degree necessary. That papers therefore had been introduced relative to the shipwrights, could form no objection to their relevancy. It had been stated that the noble earl had abolished the old system in the naval department; but if that system was a bad one, it could form no objection to his lordship. He could assure the hon. gent. that that noble lord was much obliged to him for bringing this question before the house and the public. Instead of wishing to procrastinate, he was confident that the sooner the investigation took place, it would the more speedily illustrate his character. He only wished that that investigation should be a fair and full one, and not garbled and partial, as seemed to be the wish of the hon. mover. He again assured the hon. gent. that there would be no procrastination of the noble earl, and requested him to be a little more sparing of his invectives, as he would be heard in good time. He again repeated that the charge of procrastination was an unfounded calumny.

Mr. *Jeffery* assured gentlemen that nothing would give him greater satisfaction than the production of any paper that would justify the noble lord; but the papers in question he was contending were not of that description, when

The *Speaker* again interfered, informing the hon. member, that if he apprehended himself to have been misconceived in any respect, he was at liberty to explain; but that it was a transgression of order to proceed beyond the mere limits of explanation.

Mr. *Jeffery* then begged to be permitted to say a single word respecting the charge brought against him relative to his motives in originating this business. He was ready to assure the house, that he had taken it up without premeditation [a laugh], and in consequence of no previous consultation with any person. He had never read any of the papers in office, and had only spoken from his general knowledge of the subject.

Mr. *W. Dickenson* jun. corroborated this testimony so far as related to the admiralty, assuring the house, that the hon. member had had no communication with that office.—The hon. gent. was then permitted to withdraw his motion.

[CONTINENTAL WAR.] Lord *Castlereagh* presented, in pursuance of his majesty's command, Copies of the Treaties entered into by his majesty with various powers on the continent, with other official papers relative to that subject; correct copies of which will be found in the Appendix to this volume.—The noble lord said he wished to offer a few observations with regard to the course of proceeding on the discussion of these important papers, and of the conduct to which they referred, and also of the nature of the information which parliament might wish to possess on the subject. It was his most anxious wish, and the most anxious wish of those with whom he had the honour to act, that every thing which could tend to elucidate the great transactions on the continent during the last six months, should be before the house. He trusted that it was not with vain confidence that he and his colleagues looked to a result of the investigation creditable and honourable to themselves. But it was due to the character of this country, it was due in justice to other nations, that some disclosure of considerable delicacy should be withheld. It would therefore not be expedient to lay on the table all the discussions that had taken place with the continental powers since the close of the year 1804. In any situation of Europe the complete disclosure of these discussions would be unnecessary, but in its present situation, it would be peculiarly incompatible with the interests of some of those powers whom we ought to respect. For himself, he regretted, that the discussion of this question did not, in some degree, take place on the first night of the session, as it would have clearly pointed out to the attention of ministers, those parts of these important transactions which the gentlemen opposite wished particularly should be elucidated. It would have served as a land-mark by which they might have shaped their communications. That calamitous event, which all regretted, had prevented this at any subsequent period; all therefore that administration could do, was to follow the course which to them seemed the most adviseable; and it would be open to others to found on that course any additional motions, that might appear to them to be necessary. The house must be aware, that many of the conditions and stipulations with the continental powers must be contingent and eventual, depending on the part that they were induced by circumstances to take in the war. Ministers had not considered it their duty to lay before the house any of those conditions which were never acted upon, but those parts alone which gave activity to hostile operations. He was not prepared to say that these were the military parts merely, although the house could not but be aware, that the military stipulations must have been more productive in imparting activity than the political conditions could possibly be. Delicacy with respect to foreign powers was not so likely to be infringed by the display of the one as the other. With regard to the stipulations of the military force to be brought forward by the different powers with whom the treaties had been concluded, there were two main features to which he wished that the attention of the house might be peculiarly directed. The first was, what was the actual force which government had every reason to believe was in the field against France, and which justified them in inducing the continental powers to resist her? And the second, to what causes the failure of this grand confederacy was to be attributed? In order to enable the house to judge of the latter, ministers had ordered that there should be laid before the house details of the plan of the campaign, and of the system on which it was wished, and indeed resolved to act, to be compared with the system which really was carried into execution. The plan of military operations did not proceed from this country, because this country could not be supposed so well acquainted with their expediency. It did not proceed from Russia, because the remoteness of that power gave it little advantage in this respect over Great Britain; but the plan of the campaign, in which was to be employed that immense force, that, exclusively of any troops that might be furnished by Sweden, exclusively of any troops that might proceed from the future decision of the court of Berlin, exclusively of any troops that might be added by the minor powers dependent on that decision; independently of all these considerations, and highly estimating the armies of Russia and Austria, government had every reason to suppose, that on the first of October, the actual force, in the field, of these two combined powers, if France would not agree to the terms of peace proposed to her, would amount to 500,000 men. Austria declared that she had 320,000 regulars ready at a moment's warning, beside 20,000 militia in the Tyrol. Russia had engaged to furnish 180,000 men, and did so. The plan of the campaign proceeded solely from Austria, and it would be for the house to decide whether she adhered to it according to compact. He would not pretend to say that the councils of the emperor of Germany had acted in opposition to the interest of that sovereign; he would not enter into any comments on the conduct pursued on that occasion: he should content himself with stating, that the advance of the Austrians beyond the Inn, and to the position taken by general Mack, at Ulm, where, in a military view, it might be said that 80,000 men were annihilated, was a breach of the plan of operations formed by Austria herself. The court of St. Petersburgh had strictly conformed to the plan: 50,000 Russians arrived at Brannau, on the Inn, two days sooner than, according to the conditions of that plan, was expected. He troubled the house with these observations, because he thought it indispensably necessary that the house should know what continental force government supposed was in the field; what was the plan of operations by which that force was to be regulated, and how far the disasters that had befallen Austria were produced by her own acts, or by those of others. Having stated thus much on the military points of this question, he would say, with respect to the political considerations, that as far as was consistent with the safety of other nations, and with the respect and delicacy which they had a right to demand from us, his majesty's ministers were anxious to afford to any gentleman, who stated the grounds of his enquiry, such information as could be granted with safety. If, however, there was any part of their conduct, and more particularly with regard to Russia, the explanation of which would be attended with disclosures injurious to the interests of this country, and of Europe, the hon. gentlemen opposite would, in all probability soon have an opportunity of examining, whether their doubts of the propriety of the conduct of this country were founded in fact. For his own part, there was no occurrence that he should more sincerely lament, both on private and on public grounds, than that a transaction of such great importance should, from any change of administration, be buried in darkness; or, that the details to which he had alluded, and the policy that was founded on them, should by any circumstance be prevented from being sifted to the bottom. While the country had made great and extraordinary sacrifices and exertions, they ought to know, on what account those sacrifices and those exertions were required. In undertaking this discussion, he was fully aware of the severe loss which the present ministers had sustained, by being deprived of the assistance of that great man, to whom the system was chiefly indebted for its existence, and who was therefore the most completely qualified to uphold and defend it. Still, however, he trusted, that there were individuals remaining, capable of explaining the line of conduct that had been adopted, and in what way government had discharged the sacred trust that had been reposed in them. With regard to the course of proceeding which parliament ought to adopt in this important investigation, in his opinion nothing could be more desirable, than that it should be immediately commenced. But in the present situation in which the administration of the country was placed, he should be sorry by any proposition of his to embarrass their proceedings. It was likewise material, that when this discussion came on, none of those individuals should be absent, whose distinguished talents and political perspicacity qualified them so well for the enquiry. But it might happen, that trusts confided in those individuals, would render it necessary for them to withdraw for a time from the house. For these reasons he should not fix a day for the discussion, but would content himself with merely moving, that these papers do lie on the table. From their nature, it was impossible that they could pass by without discussion. The pecuniary and political stipulations which they contained, must subject them to the cognizance of the house. As at that moment he might not be in a situation to exercise a discretionary power on the kind of reformation which it might be expedient to bring forward, he hoped that, while he did not press for any improper disclosures, those gentlemen who should succeed him in office, would be disposed to deal as liberally in affording information, as the present administration had evinced their inclination to do. On to-morrow, or the next day, he hoped to have it in his power to bring down some additional papers, and he should then be happy to receive any suggestions that might be offered to him.

Mr. *Fox* observed, that from the nature of the subject which had been opened by the noble lord, it was impossible there should be any discussion on it at present, because many of the papers which had been alluded to were not yet before the house; neither was the nature of them at present perfectly known; and as to those which were before the house, they would require time for their perusal, and this must be done before a judgment was formed of the merits of the engagements entered into by the different powers. The question, therefore, which might arise out of them, must be deferred a while; and other questions should be previously determined—Whether the papers already brought forward, and those promised to be added to them, would be sufficient? or whether others might be desirable? And that again might depend on another question, which was, whether, if desirable, they could with propriety be laid before the house? All these matters must be decided before the general question of the conduct of the allies could be considered, as far as Great Britain had any share in their operations. And this appeared to him to answer the observation of the noble lord, as to the regret he seemed to feel that the subject was not discussed on the first night of the session: for either in the view of the case with reference to the papers themselves, or the conduct which followed the agreement to which they related, it was out of the question, until the house had a full perusal of them; but the amendment intended to have been submitted to the house by his noble friend (lord H. Petty) was calculated to have called forth all the information to which the noble lord, who spoke last, had just alluded; and he could not help thinking, there was good foundation for asking for that information, and also for the expressions in the amendment, the object of which was to convey a sense of the house, against trusting any more of the resources of the country in the hands of incapable ministers. It was the duty of the house to take care, before they granted any farther supplies, that they should not be under the management of improper persons. As to all the detail, part of which had been opened to-night by the noble lord, it was imprudent to go into it now, because the house, at present, had not the requisite information, and for that reason he should certainly not comment on the general line of defence for administration, which the noble lord had thought fit to-night, with such imperfect materials before the house, to anticipate. With respect to farther enquiry, that was a point which the house would consider after the papers were laid before it, and after time had been taken to peruse them. Until those papers shall have been duly considered, the house could not possess the means of judging on the subject. The noble lord hinted, said the hon. gent., that it is not probable that he and those with whom he acts will be in power when that discussion may be entered upon. Who are to succeed them I do not know; but I am quite sure that those persons, be they who they may, ought to possess all the information to which the noble lord has alluded, some time before they proceed on that discussion, and that is a question entirely open now, and to which I beg to be understood as not giving any pledge, as to any opinion I may form, for that must depend on the papers, with the nature of which I am at present unacquainted. I say, again, that a correct view of that matter cannot be taken without adverting to the internal circumstances of this country. There may be, indeed, cases, as the amendment states, not necessary for such an enquiry, and on which some resolution might be entered into; but when considered with reference to the papers, it may, perhaps, appear not to be necessary to enter upon such an enquiry, at least for a while. At all events, the propriety of entering into it will stand upon a very different footing from that on which it stood on the first day of the session. Most clear it is, that the consideration of the papers should come first: that of the conduct of government is another matter, on which, before the papers are considered, as things are now partly explained, he would be a very unwise man who would deliver an opinion.

Mr. *Grey* said, he supposed that the papers already presented would be printed and delivered in the usual way. He did not exactly understand, whether or not the noble lord had produced those papers which related to points of the confederacy that had not been acted upon, as well as to those which had. He had listened with considerable attention, whilst the clerk had been reading the titles of these papers. He had heard him mention treaties between Great Britain and Sweden; treaties between Great Britain and Russia, and the accession of Austria to one of the latter; but he had not heard him state any direct treaty between the king of Great Britain and the emperor of Austria. He wished to know from the noble lord, whether or not this was an omission.

Lord *Castlereagh*, in explanation, informed the hon. member, that these papers had been compiled from official acts, and not from correspondences. The hon. gent. would find, that there were three treaties between Great Britain and Sweden, and one treaty between Great Britain and Russia, to which latter treaty, Austria having acceded, it was thereby effectually constituted a treaty between Great Britain and Austria.—As he was on his legs, he should explain a circumstance connected with these treaties. The treaty with Russia consisted of 15 articles, one of which not having been ratified, the remaining 14 only were binding. Of these 14, only 9 had been laid on the table; the remaining 5 being of a complexion, which would render the exposure of them a dereliction of the trust reposed in the administration of this country, of which declaration on his part, the hon. gent. would soon have an opportunity of ascertaining the ground.

Mr. *Fox* wished to learn, whether any thing was now before the house, or intended to be laid before the house, relative to the orders sent to the British troops on the continent, either in Hanover or elsewhere.

Lord *Castlereagh* said, that the papers, at present brought forward, were confined to official acts; if the hon. gent. wished any information on the subject to which he alluded, he should be happy to receive his commands.

Mr. *Wickham* asked how the troops of the continent were composed, as to numbers, at the commencement of the campaign?

Lord *Castlereagh* said, that the amount of the force on the continent, exclusive of British, Swedish, and the minor military powers of Germany, which his majesty's government had reason to expect were actually in the field on the 1st of October last, formed an aggregate of only 5000 short of 500,000 men; that is to say, 180,000 Russians, and 315,000 Austrians, exclusive of 20,000 militia in the Tyrol; and what rendered this credible to his majesty's ministers was, that in the month of June they were assured, in an official note, received by his majesty's government from the Austrian ambassador at the court of London, that the effective force of that power, actually in the field, was 200,000 men, and that it was expected in the course of the month to carry it up to 300,000 men.—The question was then put, and the papers were ordered to lie on the table.

[VOTE OF THANKS TO THE NAVY, &c.] Lord *Castlereagh*, in pursuance of the notice which he had yesterday given, wished to call the attention of the house to the important subject, which he trusted the house would allow that he was justified in having postponed to the present moment. He meant the transcendant victory gained by lord Nelson, and the glorious victory subsequently obtained by sir R. Strachan, of both of which he felt his complete inadequacy to speak in terms in any degree commensurate with their merits. He would preface his address to the house on this occasion by a short history of the naval campaign, if it might be so called, that preceded these brilliant actions. The operations of this campaign commenced with the sailing of a French squadron from Rochefort to the West Indies, which was immediately followed by admiral Cochrane. This squadron only gave an opportunity to the brave admiral Prevost of shewing how an infinitely inferior British force could defend itself from hostile attacks. A squadron of 18 sail of the line then sailed from Toulon, which was instantly pursued by the immortal Nelson; and although they were considerably superior in numbers, and in strength, they quitted the West Indies without having attained any object of the least importance. And here it was impossible for him to forget the gloomy apprehensions, that were at that time entertained by some individuals of this house. There was no disaster that could befal the country, which they did not predict, as the probable consequence of what they were pleased to term the shameful neglect of his majesty's ministers. But not only were these prophecies of irreparable injury to our commerce and colonial possessions, completely falsified by the event, but, owing to the able arrangements made by the noble lord at the head of the admiralty, the country had been enabled to avert the apprehended danger, and to heap destruction on the enemy. No sooner had advice been received from lord Nelson, that the French squadron had left the West Indies, on their return to Europe, and that it was his intention to push for the Streights' mouth, with the hope of intercepting them, than the admiralty ordered the Brest squadron to suspend the blockade of that port, and the Rochefort squadron to proceed off cape Finisterre, to reinforce admiral Calder's division. Thus, there were three squadrons, which, by the able management of the admiralty board, were placed in situations in which they were likely to meet with the enemy. This event happened accordingly, and the result was, the engagement with the squadron commanded by sir R. Calder, which terminated in considerable success; two sail of the line having been captured from the enemy. Immediately afterwards the French fleet meeting with that from Ferrol, retired to Cadiz to the amount of 34 sail of the line. Not many days elapsed, before a British force was stationed in the bay of Cadiz, adequate to the blockade of the enemy's fleet; and towards the conclusion of the month of Sept. lord Nelson assumed the command, previous to the great action then approaching. Lord Nelson detached a division of this fleet to the Mediterranean. Fortunate, indeed, was it for his fame that he had done so, for it was indisputably apparent, that nothing but the knowledge of this reduction of lord Nelson's force, and the supposition that it amounted only to 21 sail, instead of 27, would have induced the combined fleets to come out and offer battle. Their object was to form a junction with the division in Carthagena, and then to have appeared in the Mediterranean with a fleet approaching to 50 sail, which, in the existing circumstances of Europe, they imagined would have excited a sensation considerably favourable to their views of ambition and aggrandisement. When he contemplated the glorious engagement which had been the result of this attempt on the part of the French, he felt it difficult to select any feature on which to dwell with peculiar praise. Never was there a more complete victory by a superior force over an inferior; never was there such a victory by an inferior force, when contending with a superior force. In every view of the subject, which even professional men could possibly take, they scarcely could suppose it in the power of one fleet to capture from another, not stationary, but under sail, the great number of 19 sail. It was a new species of success in our naval annals, and went practically far beyond what theorists had conceived it possible to accomplish in their speculations. The wonders attending this most brilliant action, were not confined to the day of combat. He should feel that he had fulfilled but half his duty to the brave men who shared in that engagement, if he did not assign to them the praise which was their due, for the firmness and perseverance with which, after having contended with the enemy, they proceeded successfully to struggle with the elements. Then was it too, that that generous spirit of self-devotion to the benefit of their fellow-creatures, those exalted principles, which it had been the glory of ancient France to cultivate, and which it has been the endeavour of modern France to extinguish; then was it that those feelings which it became every man to entertain, and every man to exercise, were proudly manifested.—But, however our admiration might be excited by this illustrious action, it was impossible not to consider, with similar sensations, the achievement of the divison under sir R. Strachan, in which that gallant admiral took from the enemy every thing that they presented to him. What effect the exertions of these brave men might have had on the affairs of Europe, under more fortunate auspices, it was impossible to calculate. They had withdrawn 25 sail of the line from the service of the enemy, 15 of which were French, and ten Spanish. Of 25, ten had been transferred to the service of this country. The relative situation, therefore, of the navy of this country, and of the navies of our enemies, was altered by a difference of 35 sail of the line, being equal to nearly one half of the whole naval force of the enemy. This advantage, however, was not the sole result; but from the admirable superintendance of the admiralty board, no interruption had arisen from the injury which our fleets necessarily sustained in these severe contests. Other ships were prepared immediately to supply these deficiencies. It was not the least extraordinary circumstance attending these brilliant transactions, that after such a combat with the enemy, and such a contest with the elements, we had the heartfelt satisfaction to see every individual ship that had been engaged, brought back safely to a British port, and the enemy were thus precluded from the ostentatious self-congratulations, in which they doubtless would have indulged, had a single British vessel fallen a victim to their arms or to the fury of the elements. Every one must feel, that the security of the empire, so far as it depended on our naval strength, was placed on a firmer basis than ever. He could not refrain from mentioning, that the victory of Trafalgar had happened on a day which was calculated to make the head of the French empire feel, that there was yet a power in the world, capable of controlling his restless ambition. On that very day he had been declaring the designs which he meditated against this country, and on that very day he received, in the chastisement of his fleets, a lesson which, it was to be hoped, he would never forget, and which would teach him what he had to expect from the gallantry and determined bravery of Britons.—But it was impossible that these exploits should be performed, and that the country should be satisfied with a silent admiration. He pretended not to do justice to that misfortune, in the loss of the noble hero, who commanded in chief, to which, however, justice had been done by the unaffected letter of the gallant Admiral who had succeeded him. Such indeed were the feelings of regret at the decease of the noble viscount, that it became a question, whether they did not exceed the exultation which his victory had occasioned. There was every thing to praise in the character of the noble individual he had alluded to, whose life from his very infancy had been a life of heroism. There was something apparently intuitive in his nature, which prompted him to the execution of grand schemes, which appeared to be out of the resources of his profession. He had the power of attaching individuals to him by his amiable qualities, he controlled them by the superior mind which he displayed, and his genius and his fortune conspired to enable him to lead them to successful enterprise.

In considering the whole of the victories which had shed lustre on his name, it would be found, that each was marked with traits peculiar and distinguishing. If the house reverted to the battle of Aboukir, they must recollect his daring and successful attempt to pass between the line and the shore. His conduct at Copenhagen evinced equal originality, and indeed his whole life was a series of brilliant achievements, which proved the magnitude and the variety of the resources of his capacious mind. In considering the loss, we should also consider every thing that could afford consolation. It too frequently happened that great souls were enshrined in feeble frames. This was the case with that illustrious character; and he contended with the various maladies by which he was assailed, with so little success, that the day might possibly have arrived when he might be placed in opposition to the enemy with diminished powers. It was therefore some degree of consolation, that the great history of his life had been wound up in honour, that his fame was out of the reach of misfortune. He was sure that he should disappoint the house, if he did not shortly advert to what his majesty in his beneficence had determined to do, to mark the sense which the crown entertained of his services. The individual was past gratitude, but the name remained; and he was convinced that the country was desirous that some signal mark of public acknowledgment should be bestowed on them. With respect to the quantum of that acknowledgment, it was impossible to measure it by those services. Without, therefore, looking to what was commensurate to the benefit derived from the noble viscount's services, it was rather considered what was fitting for the country to allow. He did not know whether those with whom he acted would have the power of conferring this acknowledgment, but he was sure, that from whomsoever it might proceed, it would be accompanied with that liberality which was characteristic of British gratitude. It was proposed to make a provision for his widow, correspondent to the rank which she held in society, and to the claim which she possessed on public gratitude. The sum in contemplation was an annuity for lady Nelson's life of 2000*l*. This was, of course, unconnected with the subject of the royal intimation, which recommended the affixing some splendid appendages to the present earl. It certainly was not necessary to make for that nobleman a provision so munificent as to remove him from the sphere in which he now moved. It had been thought expedient, that this provision should be made not as a grant to the family, but as national property, intrusted to their possession; that it should be invested in lands; and that though a magnificent palace should not be erected, yet that an edifice conformable to their public rank and estimation should be built for the family. With a view to these objects, it was in contemplation to appropriate the sum of 200,000*l*. to be vested in the hands of public trustees, the two houses of parliament, and other high characters, to be applied in the manner which seemed best calculated to obtain the end proposed. It had occurred to government, that this would be consistent with the rank which it was desirable that the family of lord Nelson should bear in the country, without going on too exaggerated a scale.—It was unnecessary for him to trespass any longer on the attention of the house. Any thing, indeed, that he could say, would be far from enough to manifest the sense, which he, in common with the country at large, entertained of the services of the illustrious hero. Great, however, as was the national loss in this instance, he could not but think that it was attended by a national advantage. He could not but think, that he would serve as a model for his profession to study. He had shewn, through the course of a long life, what determined perseverance, and unshaken devotion to his country, could accomplish. It was a great object, in any service, to know what could be done in that service. The life and achievements of lord Nelson would continue to animate the British navy to the end of time. He certainly did not mean to say, that our navy required any thing to render it more courageous in presence of an enemy, but still the example of lord Nelson would shew them what skill and enterprize, combined with bravery, was capable of effecting. He had thought it an act of his parliamentary duty not to pass over (to do justice to, was beyond his power) the splendid character whom all had so much reason to lament. He trusted that he should not be supposed insensible of the merits of the gallant officers under lord Nelson, of the merits of lord Collingwood, lord Northesk and sir R. Strachan; never, indeed, was there an instance in which every man had done his duty so completely as in the occurrences then under the consideration of the house. He must therefore hope to stand acquitted, of having allowed the absorbent merit of one character to induce him to withhold his gratitude from the rest.—The noble lord concluded with moving; 1. "That an humble address be presented to his majesty, that his majesty will be graciously pleased to give directions, that a monument be erected in the cathedral church of St. Paul, London, to the memory of the late ever-to-be-lamented lord viscount Nelson, who fell gloriously in the moment of the most brilliant and decisive victory, obtained by his skill and enterprize over the combined fleet of France and Spain, off Cape Trafalgar, on the 21st of October last; and to assure his majesty that this house will make good the expence attending the same." 2. "That the thanks of this house be given to vice-admiral lord Collingwood, for his able and gallant conduct in the most glorious and decisive victory obtained by the late vice-admiral lord viscount Nelson, over the combined fleet of France and Spain, off Cape Trafalgar, on the 21st of October last."

Lord *Castlereagh* took this opportunity of observing, that it was meant hereafter to propose, that some provision should be made for lord Collingwood and sir R. Strachan.

Mr. *Sheridan* enquired whether or not any reward was intended for the earl of Northesk?

Lord *Castlereagh* replied in the affirmative.

Mr. *Baker* objected to this second resolution; that it did not come up to the services of the noble lord, as it merely stated them generally under the term "able and gallant conduct," without that distinct enumeration to which, in his opinion, they were indubitably entitled.

Lord *Castlereagh* answered, that this had not escaped the attention of his majesty's ministers. On an ample consideration of the subject, however, whatever might be the high sense entertained by them of the gallant lord's conduct, it had been deemed adviseable, to prevent the establishment of a precedent which might create confusion in some future case where differences of opinion might exist, to conform the resolution to the words usually adopted on similar occasions. The noble lord then moved, 3. "That the thanks of this house be given to rear-admiral the earl of Northesk, and the several captains and officers in the fleet under the command of the late lord viscount Nelson, who, by their bravery and good conduct, contributed to that most glorious and decisive victory; and that vice-admiral lord Collingwood do signify the same to rear-admiral the earl of Northesk, and the several captains and officers." 4. "That this house doth highly approve of, and acknowledge, the services of the seamen and marines on board the ships under the command of the late lord viscount Nelson, in the most glorious and decisive victory over the combined fleet of France and Spain off Cape Trafalgar, on the 21st of October last; and that the officers commanding the several ships do signify the same to their respective crews, and do thank them for their good behaviour." 5. "That an humble address be presented to his majesty, that his majesty will be graciously pleased to give directions, that monuments be erected in the cathedral church of St. Paul, London, to the memory of capt. George Duff, and capt. John Cooke, who fell gloriously in that signal victory; and to assure his majesty, that this house will make good the expence attending the same." 6. "That the thanks of this house be given to rear-admiral sir R. Strachan, bart. for his able and gallant conduct in the defeat and capture of a French squadron, on the 4th day of Nov. last." 7. "That the thanks of this house be given to the captains and officers in the squadron under the command of sir R. Strachan, bart. who by their bravery and good conduct contributed to the success of that day; and that rear-admiral sir R. Strachan, bart. do signify the same to the several captains and officers." The above resolutions were put, and carried, *nem. con.*

Lord *Castlereagh* then moved, 8. "That this house doth highly approve of, and acknowledge, the services of the seamen and marines on board the ships under the command of rear-admiral sir R. Strachan, bart. in the victory obtained over the squadron of the enemy on the 4th day of Nov. last; and that the officers commanding the several ships do signify the same to their respective crews, and do thank them for their good behaviour." On the speaker putting the question,

Mr. *Fox* begged leave to offer a few words. He had made no reply to the speech of the noble lord opposite, because he was anxious that the motions proposed should have the reality as well as the appearance of unanimity. There were two points which seemed to him to call for comment. The one was the liberty which the noble lord had taken, in introducing into a speech of the nature of that which he had just delivered, a panegyric on the admiralty board, for which any other time would certainly have been preferable to the present. The other was on the omission of any mark of his majesty's gratitude to lord Northesk. He believed that if we looked back at the whole history of our naval victories, we should not meet with a single instance in which, in such a large fleet, the third in command had not received some distinction from the royal favour. The earl of Northesk was the only person whose merit had passed unnoticed.

Lord *Castlereagh* declared that he felt it impossible to speak on the subject which had this evening been the theme of his commendation, and separate that subject from some mention of the conduct of the admiralty board. He trusted he did not go farther in this respect than what he was warranted to do by the occasion. Certainly, if he had felt entitled to express his full sentiments of the laborious services of the distinguished individual at the head of that department of government, he should not have confined his approbation within such narrow limits. He had never the pleasure of knowing that nobleman until he came into office, but the manner in which he had conducted himself, had shewn him eminently worthy of the situation. He had not only been assiduously attentive to the military operations of our navy, but he had been indefatigably engaged in digesting and modifying the practice in the civil department; and if he were now to quit the high office which he held, he would quit it after having planted deep the roots of the naval strength of the empire. With regard to the earl of Northesk, he had no difficulty in saying, that though no intimation of that nature had been made to the house, his majesty certainly destined for that gallant nobleman a strong mark of his favour, which was to create him a knight of the bath.

Mr. *Fox* thought there was no reason assigned for the delay. He begged it to be understood, that he had not the least intention to convey an idea of any disrespect to the present first lord of the admiralty; he only objected to the mode in which praise had been introduced, and which ought to have been confined to those who were the objects of it. He should have made the same objection to the praise, as not belonging to the subject before the house, even if lord Spencer or lord St. Vincent were at the head of the admiralty, were they to be made the objects of praise when the real subject related to officers whose skill and courage had achieved a victory. Nay, so unconnected was that idea with the conduct of the admiralty, that the one might be a contrast to the other, and borrow some of its excellence from the defects of the other. Here again, he must repeat, he had no intention to say one word against the present first lord of the admiralty; but praising government when naval officers were alone the objects of praise, was a bad mode of doing things; it was uniting two subjects which had no connection with each other. It was not usual neither, and would be a bad precedent. It was not attempted, when thanks were voted to lord Howe or lord St. Vincent.

Mr. *Grey*, conceiving that some part of the noble lord's observations alluded to remarks which had fallen from him on a former occasion, respecting the conduct of the admiralty, and the unprotected state of our West-India Islands, said, that he saw nothing in the speech of the noble lord to induce him to alter his opinion. If the evils which he apprehended had not come to pass, it was owing to Providence or the bad conduct of the enemy. He accused his majesty's ministers of a culpable delay in conferring a reward on rear-admiral lord Northesk.

Lord *Castlereagh* denied that there was any unnecessary delay; and affirmed that the allegation was highly disrespectful to his majesty.

Mr. *Grey* denied with warmth, the charge of disrespect to his sovereign, which he should be the last man to be guilty of. He persisted in accusing the ministry of culpable neglect, in omitting to reward lord Northesk. Were the merits of that noble admiral doubtful? Was not a peerage immediately sent to admiral Collingwood? Why was not the same promptitude shewn in respect to lord Northesk?

Lord *Castlereagh* explained, that the delay was solely occasioned by a wish to consider maturely of the best method of conferring a reward on the noble lord who was the subject of debate.

General *Grosvenor* observed, that admiral Harvey, who commanded the Temeraire, had also distinguished himself most honurably in one of the engagements, which gave a foundation for the thanks of the house being voted. Having been an old companion, and an old fellow-member in that house, he would have been glad if that honourable and gallant officer's name had been also mentioned in the vote of thanks. He should, therefore, conclude in the words of the song—

" How 'twould cheer
" Our hearts to hear,
" That our old Companion he was one."

The resolution was then put and carried, *nem. con.*

[Committee of Supply.] Mr. Alexander reported from the committee of supply, the resolutions which the committee had directed him to report to the house; which are as follows, viz. " 1. That 120,000 men be employed for the sea service for the year 1806, including 29,000 royal marines. 2. That a sum, not exceeding 2,886,000*l.* be granted to his majesty, for wages of the said 120,000 men, for 13 months, at the rate of 1*l.* 17*s.* per man per month. 3. That a sum not exceeding 2,964,000*l.* be granted to his majesty for victuals for the said 120,000 men, for 13 months, at the rate of 1*l.* 18*s.* per man per month. 4. That a sum, not exceeding 4,680,000*l.* be granted to his majesty, for the wear and tear of the ships in which the said 120,000 men are to serve, for 13 months, at the rate of 3*l.* per man per month. 5. That a sum, not exceeding 389,000*l.* be granted to his majesty, for ordnance for sea service on board the ships in which the said 120,000 men are to serve, for 13 months, at the rate of 5*s.* per man per month."

HOUSE OF COMMONS.

Wednesday, January 29.

[Minutes.] On the motion of Mr. S. Bourne, it was ordered, that the house should, at its rising, adjourn to Friday, to-morrow being the anniversary of king Charles's martyrdom.—It was also ordered, on the motion of Mr. S. Bourne, that the house should not receive any private petitions after Friday, 7th March. The Speaker recommended this order to the attention of the house. It was certainly in the discretion of the house, whether it would extend the time for receiving printed petitions further. But in making the order, it was understood, that a proper limit was fixed. The time allowed by the present order was fully sufficient, if those who might have petitions to present would pay due attention to the convenience of the house, and much trouble would be spared by this observance.—Mr. S. Bourne presented to the house, " an Account of the amount of premiums, bounties, and sums of money, expended under act 41 Geo. III. cap. 99, for granting bounties for taking and bringing Fish to London and Westminster, and other places in the United Kingdom, in the last season; which premiums or bounties have been given in consequence of directions from the lords commissioners of his majesty's treasury; with a duplicate thereof." Ordered to lie upon the table.—The house resolved itself into a committee of ways and means, and voted the duties on land, malt, pensions, offices, sugar, tobacco, and snuff. The report was ordered to be received on Friday.—Mr. Young, from the commissioners of the customs, presented at the bar, " an Account of the total number of vessels, with the amount of their tonnage, which had been registered in his majesty's dominions on the 30th Sept. in the years 1803 and 4; distinguishing each year; and also, an account of the number of vessels, with the amount of their tonnage, which have been annually built and registered in the several ports of the British Empire, between 5th Jan. 1793 and 5th Jan. 1805. Ordered to lie upon the table.—Mr. James Fitzgerald gave notice that on Friday next, he would move for leave to bring in a bill to ascertain the exact state of the population of Ireland.

[Affairs of India.] Mr. *Paull* rose to make his promised motion, respecting the production of lord Melville's letter, relative to the Company's debt. Many persons might be perhaps disposed to ask, upon what grounds such a young member as he was, should obtrude himself so frequently on the house on the affairs of India. To such persons his answer was plain and simple. He was conscious of the imminent danger which threatened our India possessions, and therefore he was resolved to raise his voice, however feeble, with a view to rouse the attention of the house to this point. The house did not seem to be aware of the alarming state of the affairs of India. When the debt of India amounted to 14 millions, lord Melville had written to the chairman of the company, recommending a plan, which, in those circumstances, appeared to him absolutely necessary to be pursued, and expressing his opinion, that if it was not pursued, the consequences would be dangerous, not only to the concerns of the East-India company, but injurious to the prosperity of the country at large. His object in moving for this letter of lord Melville, written when the debt of the company was only 14 millions, was this: he designed, on some future day, to move for a select committee of the house, to enquire into the causes of the alarming increase of the debt of the company, and of their failure to comply with the conditions and stipulations agreed upon in their charter. The object which he had at present in view, was one of the last importance, since the debt of the company had increased from 14 to 30 millions, in the thirteenth year from the renewal of their charter, without any of the conditions agreed upon having been performed on their parts. It was high time to enquire into the causes of these singular circumstances. It was with this view that he moved for the letter of lord Melville. Having read the motion, the hon. gent. begged leave to add one word more: lord Melville had written to the court of directors upon this subject, in the most earnest manner; and, indeed, his opinion had been given them, in some measure, with all the solemnity of a death-bed warning. He would say this of lord Melville, that his plans for the regulation of India were well conceived, and discovered proofs of no ordinary comprehension in him who proposed them. Upon the execution of them, indeed, he was of opinion, that the very existence of India, as connected with this country, depended, and therefore he hoped that the directors themselves would come forward and promote this enquiry; or, if not, that the board of controul, or some individual of that board, would come forward and give every assistance to the measure. If the debt of 14 millions appalled lord Melville, what ought to be the vigour and attention employed now, when the debt amounted to 30 millions? The directors and the board of controul were in some degree bound by these circumstances to come forward and give their support to such an enquiry as he proposed. It would be said, and he wished to anticipate this objection, that the alarming increase of the debt arose from the wars that had taken place in India. He was firmly persuaded, however, that the debt had not increased from this cause particularly, and he engaged to shew, unless the directors came forward in this affair, that it was owing to a cause of a very different nature. He was resolved, at least as far as lay in his power, to fix responsibility where it ought to attach, and this was the great object which he had in view, in the efforts which he made, and was inclined to make, on this subject. The hon. gent. concluded by moving, "That there be laid before the house a copy of the letter from the right hon. Henry Dundas, now lord viscount Melville, to the chairman of the East-India Company, dated the 30th of June, 1801."

Mr. *Wallace* said, he had no objection to the production of the letter now called for, but at the same time he wished it to be understood that in acceding to this he did not by any means accede to the propriety and truth of the observations of the hon. gent. who had made the motion, or to any future motions or opinions that might, by him, be founded upon it. This also he must say, that the hon. gent. had not acted altogether with strict fairness, in making his motion so early, and prefacing it with so many remarks, which would have been more properly introduced when those were present who might be able, from the situations they held, to meet them in a clear and proper manner. The hon. gent. had adverted to the cause of the increase of the debt, and touched upon one argument against him, which he wished to anticipate. He was correct in supposing that war would be alledged as the great cause of the increase of the India Debt, and he had no doubt that when the subject came to be investigated, this would be proved to be the real state of the case.

Mr. *Paull* wished to say one word in reply. He had come early to the house, and had certainly waited a reasonable time for those who might be best informed upon, and most interested in this business. It was not his wish to take the house, or any person in it, by surprise; but he had a most important object in view, and was convinced that delay would be highly prejudicial to the interests of the country. If there was a cause of the debt, foreign to the war in which India had been engaged, and if by this cause the public had been deprived of the benefits that might result from the performance of the conditions of the East-India Company's charter, it was high time the business should be investigated, and that no delay should take place, beyond what was absolutely necessary from the nature of the thing itself.—The motion was then put and agreed to. After which the hon. gent. gave notice, that on Tuesday se'nnight he would move for a select committee to enquire into the causes of the alarming increase of the debt of the East-India company, and of their failure to perform the conditions, terms, and stipulations, contained in their charter.

[ARMY ESTIMATES.] The *Secretary at War* presented estimates of the expences of the army in Great Britain and Ireland, on the continent, and the colonies, of guards and garrisons, militia forces, &c. for three months, from 25th Dec. 1805. The right hon. gent. in giving notice that it was his intention to move these estimates on Friday, thought it necessary to state, that he brought them before the house in consequence of the total exhaustion of the funds granted last year for the army estimates, by which an immediate provision was required for the current service. He had framed them on the scale of the last year, and the short period of three months, in order that the new administration might have an early opportunity of reconsidering them and making any alteration they might think proper. Under these circumstances, he trusted there could be no objection to his moving them on Friday.

HOUSE OF LORDS.

Friday, January 31.

[CONTINENTAL WAR.] Lord *Mulgrave* observed, that in reference to what he had stated on a former evening, he should have, by command of his majesty, to lay before the house, on Monday next, some additional papers and documents, relative to the treaties, copies of which he laid on the table last Tuesday. Of these, the prints were ready for delivery. When the additional documents should be before the house, he should have to trouble their lordships with some observations respecting the nature and effect of those treaties, and the reasons for the farther communication of papers to the extent to which they should be laid before the house, and why a farther selection of papers was deemed unnecessary. He hoped what he then said would be sufficient to induce a full attendance of their lordships, for the consideration of what he should submit.—After some routine business was transacted, the noble lord again rose, and stated, that on further consideration, he thought it would be proper, in order to insure a full attendance for the discussion of a subject of such public magnitude and importance, to have their lordships summoned; and, as Tuesday next would most probably be the day on which he should have to submit the considerations to which he alluded, he should move, that the lords be summoned for Tuesday next: this, on the question being put, was ordered accordingly.

HOUSE OF COMMONS.

Friday, January 31.

[MINUTES.] Mr. W. Pole presented an account of the expenditure of the ordnance, which had not been provided for by parliament, and an estimate of the probable events of that department for a certain period. The hon. member observed, that his motive in bringing forward this account was, in order that the department to which it referred should experience no obstruction, but that the treasury should be enabled to issue the sums necessary for its supply, until the new administration should be arranged, and prepared to bring forward the ordnance estimates for the year. The account, &c. was ordered to lie on the table, and the hon. gent. gave notice, that he would on Monday next, in the committee of supply, move the grants required.—Mr. Alexander brought up the report of the committee of ways and means; the resolutions of which were read and agreed to, and bills ordered to be brought in accordingly.—Lord Stopford appeared at the bar, and stated that his majesty had been waited upon with the addresses of the house, relative to the erection of a monument to lord Nelson, at St. Paul's; to the erection of monuments to captains Duff and Cooke; the interment of the remains of Mr. Pitt, &c. and that his majesty was graciously pleased to express his readiness to comply with the wishes of the house.—Mr. Huskisson presented, a "List of Accountants in respect of whom the execution of any process hath been controlled, suspended, or prevented, by authority of his majesty, within the year preceding the commencement of the present session of parliament."—Mr. Keene moved for "copies or extracts of the proceedings of the chief governor and council of India, respecting the several claims of individuals upon the late and present nabob of Oude, together with a report of the proceedings of the court of directors upon the same subject." Ordered.—Mr. S. Bourne rose to move the reading of the order for a ballot upon the subject of the petition which related to the last Middlesex election; with a view, he said, to follow it up by a motion, that that order should be discharged, and the ballot postponed to another day. The hon. member stated, that as it did not appear probable that the number required for a ballot, would in the present circumstances attend on Friday next; and, as in case of their non-attendance, adjournment would of course take place, which would produce a delay attended with much inconvenience to the public business; it was therefore his wish to fix the ballot for Friday, when the attendance of a sufficient number of members was more likely. The hon. member thought it unnecessary to give any previous notice of this motion, as neither of the parties immediately interested had any objection to the proposed postponement. The Speaker apprehended that previous notice of such a motion ought to be given, even though both the parties concerned were disposed to consent to the motion itself. For the principal object of such notices was, that the house should not be taken by surprise. Agreeably to this suggestion, Mr. S. Bourne gave notice of his motion for Monday next.

[Irish Population Bill.] Mr. *James Fitzgerald* rose, pursuant to notice, to move for leave to bring in a bill for the purpose of ascertaining the population of Ireland. The right hon. gent. expressed his wish to assimilate the laws and regulations of Ireland to those of this country, as far as it was just and expedient. To the speaker he observed that this part of the united kingdom was, among other advantages, indebted for a measure of a similar nature; and he was happy to know that the proposition he was about to submit to the house, met the approbation of that justly respected personage. It must indeed be obvious to every man conversant with the subject, that to ascertain the population of a country, was a grand *desideratum* in political economy, whether considered with regard to its physical force, its agricultural produce, or its financial capacities. In Ireland, the right hon. gent. observed, there were not the same facilities for enumerating the population that were to be found in this country. For, in that part of the united kingdom, there was no regular registry of births or deaths. Besides, there were no poor-laws; through the overseers and others employed in the execution of which, in England, means were easily had to discover the number of the population. Therefore, to remedy this inconvenience with regard to Ireland, the right hon. gent. proposed to introduce a clause into the bill, authorising the magistrates of the county of the city of Dublin, with the advice of their recorder, and the magistrates of the other Irish counties, aided by the advice of the assistant barrister, at a general quarter sessions, to appoint one or more householder, according to necessity, for each barony, parish, or such other district as might be deemed expedient, for the purpose of collecting a list of the inhabitants of such districts, the expence arising from such appointments, &c. to be defrayed by the assessment of the grand juries of the several counties, in the same manner as presentments for roads, &c. are now provided for. The right hon. gent. stated his intention to move that the bill should, as soon as it was brought in, be read a first time and printed. He would then let it stand over for some time, in order that all persons concerned should have a full opportunity of examining it, and from that consideration, he should not move the second reading until after the Easter recess.—The motion was agreed to, and the right hon. mover was appointed, with Mr. Grattan and others, to prepare and bring in the bill.

[Army Estimates.] The *Secretary at War*, in moving that the house should resolve itself into a committee of supply, for the purpose of taking the army estimates into consideration, took occasion to observe, that he hoped there would be no objection to the proposed mode of proceeding, although it was a departure from the general custom with regard to army estimates. These estimates were, usually, at least a week on the table, before any proposition was made to vote them in the committee; and such time for previous consideration was no doubt proper and necessary, upon a vote of such magnitude. But yet in this case, although the estimates were but two days on the table, he trusted that the peculiar circumstances of the country would reconcile the house to the course he meant to pursue. When the new administration was arranged, an adjournment for a fortnight was likely to take place, and if the estimates he had the honour to present, were not voted previous to such adjournment, considerable embarrassment would arise in the military department. This circumstance would, he had no doubt, prevent any objection to the motions he proposed to submit; such objection there would be the less inclination to press, when it was understood that the estimates on the table reached only to the 24th of March next, and were formed on the same scale as those of the last year; thus it was left open for those who were to succeed to the administration to make up the military arrangements for the remainder of the year. Upon these grounds he trusted, that in bringing forward the supplies in the way he had described, he should stand acquitted in the judgment of the house of any wish to intrude himself, or any unnecessary plan, upon their consideration. If any precedent were wanted to justify the conduct he adopted, he could refer to the act of one of his predecessors in office (Mr. Windham), to whose very superior abilities he was ready to pay the utmost deference. That right hon. gent. he remembered, in the year 1799, laid the army estimates on the table on the 1st of Oct. and they were voted on the 3d. They were on his proposition adopted. But, independently of precedent, he was persuaded that the urgency of the present circumstances would induce the house to accede to his motion.—The army estimates were then referred to a committee of supply, into which the house resolved.

The *Secretary at War*, before he made any motion, observed, that on recollection he had forgot to state to the committee that there was some addition to the scale upon which the estimates for last year were granted, and this addition was occasioned by the augmentation of the regular army; particularly owing to the transfer of men from the militia, in consequence of the act of last sessions. To this addition he did not apprehend that any gent. would be disposed to object. It would be recollected, that if any part of the estimates should appear to be overrated, a proportionate deduction might be made in the estimates to be brought forward in March. The right hon. gent. concluded with submitting the following resolutions; which were acceded to.—1st, 134,473 effective men, including commissioned and non-commissioned officers for the service of the united kingdom, and on the continent, for three months, from the 25th of Dec. to the 24th of March, both inclusive. 2d, 1,193,105*l.* for the subsistence of this force. 3d, 505,037*l.* for the use of our troops, &c. in the plantations, including Gibraltar, the Mediterranean, Ceylon, and New South Wales. 4th, 647,584*l.* for the subsistence, &c. of the militia of the united kingdom, and of the corps of miners in Devon and Cornwall.

Sir *John Wrottesley* asked whether the allowance to the volunteers was included in these estimates; and also whether any provision was made for the clothing of any of that body?

The *Secretary at War* answered in the negative. The estimate respecting the volunteers was brought forward separately last year, and the same course would be pursued in the present. The provision for that description of force, was not so urgent in point of time, as any of those to which the votes of the committee related. No doubt, provision would be made for the volunteer force in the course of the session, and that the necessary allowance for clothing would be included in that provision.—The house resumed, and the report was ordered to be brought up on Monday.

HOUSE OF COMMONS.

Saturday, February 1.

[MINUTES.] Mr. Alexander brought up the report of the committee of supply on the army estimates. The resolutions were agreed to, *nem. con.*—Mr. Alexander brought in bills for continuing for one year, from the expiration of the last grant, the usual duties on land, malt, &c. The bills were read a first time, and ordered to be read a second time on Monday.—Lord Castlereagh presented the following message from his majesty, viz. "Geo. R. His majesty "having taken into his royal consideration "the splendid and unparalleled achievements of the late vice-admiral lord viscount Nelson, knt. of the most hon. order of the Bath, during a life spent in "the service of his country, and terminated in the moment of victory by a "glorious death, and being desirous of "conferring on his relict lady viscountess "Nelson a net annuity of 2000*l.* per annum for the term of her natural life, recommends it to his faithful commons to "consider of a proper method of enabling

" his majesty to grant such annuity, and of " securing and settling the same in such " manner as shall be thought most effectual " for the benefit of the said lady viscountess " Nelson. G. R."—Lord Castlereagh presented the following message from his majesty, viz. " Geo. R. His majesty having " taken into his royal consideration the " signal and important service performed " by Cuthbert lord Collingwood, vice-ad- " miral of the blue, in the ever-memora- " ble and decisive victory obtained by the " fleet under the command of vice-admiral " lord viscount Nelson over the combined " fleets of France and Spain off Cape Tra- " falgar, in the month of Oct. last; and " his highly meritorious conduct after the " action, not only highly honourable to " himself, but greatly beneficial to the " united kingdom; and being desirous " to bestow upon the said Cuthbert lord " Collingwood some considerable and last- " ing mark of his royal favour, as a testi- " mony of his majesty's approbation of the " said services; and for this purpose to " give and grant unto the said Cuthbert " lord Collingwood, and to the two next " succeeding heirs male of the body of the " said Cuthbert lord Collingwood, to whom " the title of baron Collingwoood shall de- " scend, for and during their lives, a net " annuity of 2000*l.* per annum; but his " majesty not having it in his power to " grant an annuity to that amount, or to " extend the effect of the said grant be- " yond the term of his own life, recom- " mends it to his faithful commons to con- " sider of a proper method of enabling his " majesty to grant the same, and of ex- " tending, securing, and settling such an- " nuity to the said Cuthbert lord Colling- " wood, and to the two next persons on " whom the title of baron Collingwood " shall descend, in such manner as shall " be thought most effectual for the benefit " of the said Cuthbert lord Collingwood " and his family. G. R."—Lord Castlereagh presented also, the following message from his majesty, viz. " Geo. R. " His majesty being desirous of conferring " a signal mark of his favour and appro- " bation on rear-admiral sir Richard " Strachan, bart. in consequence of the " eminent services rendered by him, in the " capture of a French squadron in the " month of Nov. last, and of the valour " and skill displayed by him on that occa- " sion, recommends it to his faithful com- " mons to enable his majesty to make pro- " vision for securing to the said sir Richard " Strachan a pension of 1000*l.* per ann. " for the term of his natural life. G. R." Resolved, that the house would on Monday next, resolve itself into a committee of the whole house, on the said messages. —Lord Castlereagh gave notice, that he would on Monday move an address to his majesty, for the erection of a monument to the memory of the late marquis Cornwallis.

[AFFAIRS OF INDIA.] Mr. *Wallace* rose, to move for the production of certain papers referring to a subject which an hon. gent. (Mr. Paull) had thought proper to bring under the consideration of the house. These papers, the hon. gent. stated, were necessary fully to elucidate the different questions to which an hon. gent. (Mr. Francis) had alluded in the course of the last sessions. They referred principally to those treaties and transactions in India, upon which it was endeavoured to inculpate the character of the noble marquis (Wellesley) who lately presided over the government of that country. To repel the charges against that noble marquis, and to enable the house completely to understand, and satisfactorily to determine upon the whole of the transactions alluded to, the papers he meant to move for were essentially necessary. The hon. gent. concluded with moving for the production of " extracts of the letters addressed by the governor-general in council on the 28th of August, 1786, to the court of directors, on the subject of the troops employed by the nabob of Oude, &c. together with a copy of the answer of the directors to the said letter in the year 1787."

Mr. *Paull* expressed his surprise and dissatisfaction that such delay should have occurred in bringing forward the papers which had been some time since ordered, pursuant to his motion, and wished to know from the hon. gent, why such delay had occurred?

Mr. *Wallace* replied, that, according to the terms of the orders alluded to, which left to the board of controul a discretion of considering which of the papers the hon. gent. moved for could be produced, consistently with the interest of the public service, that board had taken the subject into their serious consideration, and as soon as their decision could be formed, the orders of the house would be complied with.

Mr. *Paull* observed, that the papers he had moved for were so essential to the ends of justice, particularly with regard to the nabob of Oude, that he thought it incumbent on the board of controul to come forward and state the reasons why they declined to lay them before the house.

Mr. *Wallace* begged the hon. gent. to recollect, that the papers he referred to had not been refused.

Mr. *Wallace* moved also for the copies of several letters, addressed by the residents at the court of Oude, &c. to the governor-general in council; the letters of governor Duncan, generals St. Vincent and Craig, &c. from the year 1785 to that of 1801, together with the political letters of lord Cornwallis, to the court of directors, during the several years of his government in India.—These motions were agreed to.

Mr. *Wallace* then mentioned, that as allusion had been frequently made elsewhere to a letter addressed by the court of directors to the governor-general and council of India, for the purpose of annulling the appointment of the hon. Henry Wellesley to the office of lieut. general of certain provinces which had been transferred to our dominion, he thought it necessary to say that no such letter had ever been sent out. Such a letter had, no doubt, been transmitted by the court of directors to the board of controul; but that board had thought proper to refuse sending it to India, and returned it to the directors, accompanied by a letter containing the reasons of that refusal. Drafts of the original letter and the reply it was his wish to have laid before the house, in order that a subject which had been much animadverted upon should be fully understood. The right hon. gent. submitted motions accordingly, which were agreed to.

HOUSE OF COMMONS.

Monday, February 3.

[Minutes.] On the motion of Mr. S. Bourne the order of the day for taking into consideration the petition, complaining of an undue election for the county of Middlesex, was read and discharged, and the same order fixed for Friday next.—Mr. W. M. Pitt presented a petition from the debtors confined in the gaol of Dorset, praying for relief. Ordered to lie on the table.—Mr. H. Lascelles brought up the report of the committee on the York West-Riding petition, conformably to which leave was given to bring in a bill for the erection of a court-house, for the better accommodation of the justices of the peace for that Riding.—On the motion of Mr. S. Bourne, a new writ was ordered for the borough of Wendover, in the room of the right hon. Charles Long, who, since his election, has accepted of the office of chief secretary to the lord lieutenant of Ireland.—The malt duty bill was read a second time and ordered to be committed to-morrow.—The pension, office, and personal estates duty bill was also read a second time and committed for to-morrow.—On the motion of Mr. W. Pole, the house went into a committee to consider further of the supply to be granted to his majesty. To this committee was also referred the estimate presented on Friday last of the sums expended by the board of ordnance, and not provided for by parliament. Resolutions were adopted for granting such sums as might cover the estimates; and the house having resumed, the report was ordered to be received to-morrow.

[Monument to Marquis Cornwallis.] Lord *Castlereagh*, in rising to call the attention of the house to the motion of which he had given notice on a former night, declared, that no man was more strongly impressed than himself with the conviction, that the country ought not to be called upon to grant the highest honours it had to bestow, unless the claim to those honours was clearly and distinctly made out. As a general principle, it was wise and prudent, that those honours should rather be given in the contemplation of some splendid and signal services, which admitted of no dispute, than for the general merits of a life mixed with political matter, about which there might be a great difference of opinion. This rule, however, though general, was by no means universal. Some splendid exceptions had occurred, and cases which were not to be confined within the common course of precedents. The case he had now to present to the consideration of the house was not a case of a common nature. The motion he had to make was respecting the honours which should be paid to the memory of a man who had something in his character and the whole of his conduct, which disarmed all party feeling, and made every one inclined to pay him the tribute of public gratitude and of individual respect. The late marquis Cornwallis was a man whose talents were, perhaps, not of a nature sufficiently splendid to distinguish him by eloquence in the senate, but yet his career was useful and brilliant. He combined, with the professional knowledge of a soldier, that degree of political judgment which made him equally serviceable to his country in the civil and the military capacity. To speak of him as a soldier, a high degree of praise was due to him. No degree of prosperity or good fortune was able to strip him of the virtues of generosity, moderation, and forbearance, for which he was so eminently distinguished; nor did any reverse of fortune which he encountered, lower his professional reputation, or deprive him of the respect even of his enemies. In his political life, he had rendered the most important services to his country, and had preserved the same exalted character. He first carried with him to the government of India, those two grand principles to which the good government and prosperity of those countries must be principally attributed. The first was, giving the natives a fixed and certain property in the lands they cultivated, and the second was the introduction of a stable administration of justice. To him was principally committed the management of the union in Ireland; and although this was a subject whereon he knew some would differ from him in opinion, he must be allowed to say, that he considered it as one of the most essential services to the state, and which posterity would do justice to. He could not avoid reminding the house, that he also had concluded the peace of Amiens; a peace which, although at the present day many might object to, was approved by parliament, and had the cordial concurrence of himself, and those with whom he had the honour at that time to act. Their successors in office would feel, that it was this peace which gave them the means of carrying with them the public spirit, and raising the public force, to meet the difficulties in which this country was now placed. After the brilliant successes which had been obtained in India, under the administration of the marquis of Wellesley, it was thought that it would be useful to the country to employ the talents of the marquis Cornwallis, in consolidating those possessions which the British arms had gained. Although at the close of life, his lordship, with a self-devotion which cannot be too highly praised, resolved to embark for whatever place in which he could be most serviceable to his country. His health had been in a declining state even before he left Great Britain, and he soon fell a victim to the climate of India. It was worthy of notice, that, within a very short space of time, the country had been, by the hand of Providence, deprived of three of its most distinguished characters. He thought it would be no contempt to the living to say, that three greater characters, than those who had so lately fallen, could not be found throughout the empire. Connected as he was, by the sincerest friendship, with the marquis Cornwallis while he lived, and knowing better than most gentlemen in that house the great services he had rendered the country, no man was more bound than he was to call for every honour to his memory, now that he was no more. His lordship concluded by moving, "that an humble address be presented to his majesty, praying that he would be graciously pleased to direct that a public monument should be erected in the cathedral church of St. Paul, to the memory of Charles marquis Cornwallis, late governor-general of Bengal, in memory of his high and unblemished character, his long and eminent services, and his unwearied zeal and devotion, to the last moments of his life, in the cause of his country."

Mr. *Charles Grant*, in rising to second the motion made by the noble lord, conceived himself peculiarly qualified to speak to the merits of the noble marquis so far as they respected India. From his personal knowledge of that country, and from his residence there during the administration of that lamented nobleman, he was able to bear testimony to the happy effects of the regulations he had introduced into the government of that country. The regulations he had introduced respecting property were of the highest importance, and the good effects they had produced would amply justify any encomium that might be passed on that subject. It had before been a question whether property should be hereditary. The wise policy, however, that guided the conduct of lord Cornwallis, in that, as in every other instance, had been rendered abundantly obvious, by the effects it had produced on the prospects of the country.—After a variety of observations, which were delivered in a low tone of voice, the hon. member declared the impossibility of doing justice to the memory of that great man, whether in respect to the integrity, the ability, or ardour, he had uniformly displayed in the service of the public.

Mr. *Francis*.—The motion, sir, which has just been made by the noble lord, and supported with great propriety by the hon. director of the India company, wants no seconding of mine to recommend it. I believe it is as much in unison with the judgement and feelings of every man in this house and in the nation, as it is with mine. I have many motives for wishing to take some part in it. One of them has arisen accidentally from a passage in the noble lord's speech, repeated and enforced by the hon. director. I find now, though it had not occurred to me before, that I am personally indebted to the memory of the noble lord whom we have lost. It is said, and, I doubt not, very truly, that lord Cornwallis, proceeding on a principle of benevolence, which in my mind is the essence of wisdom, and the foundation of national prosperity, made it his first care to protect the people, whom fortune or Providence has placed under our dominion. Let our right be what it may, I am sure there is no other way to make the possession either profitable or secure. On this principle lord Cornwallis gave to the natives of Bengal a security in their landed property; I appeal to the noble lord, and more particularly to the hon. director, whether this is not the very plan which I proposed in 1776, and which lord Cornwallis has done me the honour to adopt and execute? I am bound to be grateful to his memory for the honour he has done me. In stating other reasons for my concurrence in this motion, I shall confine my view to the Indian theatre, as the hon. director has done. I know it best, and that, on this ground, lord Cornwallis's merits are not only eminent but indisputable. Sir, an occupation of thirty years at home and abroad in the service of India, has given me a claim to an interest in any question that concerns it. He who has served that country, as lord Cornwallis has done, is entitled, on that score, to all the return that I can make him. To do him honour is not in my power. But it is honourable to myself to contribute, if I can, to the only reward that can now be given him. But I am specially bound to it by another tie. Every gentleman in this house cannot know as well as I do, what his merit was in undertaking to go to India at so advanced a period of his life. He could not be insensible of the probability there was that he might never return to England. I thought it a certainty. He saw his danger, and he encountered it without hesitation for the public good. It was a danger too, which, though far beyond that of a battle, had no prospect of military fame to recommend it.—Another argument arises out of this consideration. The merits and the honour of lord Cornwallis are not within the reach of diminution; but his fortune has not been equal to his deserts. It has not been his lot to die where his gallant mind would have led him, in the front of a glorious contest with the enemies of his country, at the head of a successful army, and in the arms of victory. Is it possible to doubt that he, who risked his life for a most meritorious purpose, but without the hope of fame, would not gladly have resigned it, on the same principle, in any other field, in which honour might have been obtained? That good fortune was denied him. It is our duty then to repair and fill up what was wanting in the measure due to his well-earned character. Let the gratitude of his country accompany his name in its descent to the latest posterity. The measure proposed is all we can do, and I am proud of having some share in it.

Mr. *Windham* said, that with all his respect for lord Cornwallis, notwithstanding his regret for his loss, and his firm persuasion of the many virtues that he possessed, he still very much doubted whether he was entitled to such honours as had been proposed. The same objection occurred to him that he had stated on a former occasion. He thought, that those honours should principally be given on account of splendid talents employed successfully. As for his concluding the peace of Amiens, it could not be expected, that he should think that added much to his claim. Although his services had not been altogether so brilliant as those of some men, yet, when he considered the purity of his mind, and the great virtues which he possessed, he should not in this particular case oppose the motion.

Mr. *Wilberforce* expressed himself extremely happy, on many grounds, that this motion had been brought forward, as it gave him an opportunity of expressing the sentiments of gratitude he felt for the eminent services of the noble marquis. He felt great pleasure in hearing the noble lord, and the hon. director, as well as the hon. member opposite to him (Mr. Francis), who were all so well acquainted with India, pay such unequivocal tributes of praise, and bear such ample testimony to his great deserts; but he was desirous, that they also, who were not so well acquainted with India should have an opportunity of expressing their opinions and their feelings in favour of one, whose whole life had been devoted to the service of his country. If we looked back to the history of any country, in ancient or modern times, what was the situation of the distant colonies they possessed? Too often we shall find the unfortunate people groaning, and miserable under the weight of a system of tyranny, oppression, and rapacity, exercised without mercy and without bounds, by their governors; for the purpose, in the first place, of enriching themselves; and, in the next, of providing as much more as would purchase them security from all enquiry at home. But how very different from those, was the conduct of this great and good man, who had caused British laws and regulations for the security of persons and property, to be transplanted into the bosom of India, and fostered and extended to its most distant parts; who had, while there, been the idol of millions, and who left it with the blessing of all who knew his name. In his civil, military, and diplomatic capacity, he had, on every occasion, evinced the most ardent zeal and anxiety, to do service to his country; and in this last great act, he had only failed, from an unfortunate diminution and decay of bodily strength. In all his former transactions, he had been crowned with success; and if life had been allowed him now, he had no doubt, but his great exertions, and th high estimation his character was so deservedly held in by all ranks and degrees of the people of India, that he would have achieved for his country brighter successes and more extensive advantages, than those it had already to boast of. Every action of the noble marquis seemed to have been so connected with the happiness of the people, that it had produced the happiest effect; and he hoped we might, through his example, convince the millions there, who are subject to our sway, that we are able, and willing also, to rule with justice, and make those we govern happy. He thanked the noble lord, therefore, for having brought forward this motion, which had, he said, his warmest approbation.

Mr. *O'Hara* said, that if the noble lord had confined his motion to the conduct of the noble marquis in India alone, either on his first or second visit, or to both, he certainly should not have had the smallest objection to giving his vote for any honours to his memory; but, when he brought forward other subjects, and blended them together, as he had now done, he could not but suppose that he must awaken in him, and many more hon. members, who had the same cause to feel as he did, the most melancholy and painful sensations. The noble lord had alluded to the peace of Amiens. For his own part, he could see no great merit in that transaction, nor any benefit accruing from it to the country, nor had he ever heard others speak of it more favourably than as an act of necessity. But when he went further, and alluded to the Union of Ireland with this country, he could by no means give a vote for funeral honours to the memory of a man, who had had so principal a share in that transaction, which he looked on as mischievous and fatal to the interests of Ireland. He felt this the more poignantly and deeply, when he recollected that the people of that country had, not long before, obtained a constitution, which was the wish and pride of their hearts; which promised to make them a prosperous, an independent, and a happy people; and which had, in fact, during the short time they had enjoyed it, done more than was expected. They had, since the union, experienced a very different system indeed; a system the very reverse of what he had just mentioned, and which must, ere long, if that disastrous measure should not be rescinded by this country, prove, from its extreme expensiveness, altogether ruinous to Ireland. When he recollected also the shameful and barefaced corruption, which was openly carried on, for the purpose of carrying that fatal measure, and which reflected the greatest disgrace on the justice of this country, and called to mind the high part the marquis Cornwallis filled in the scene of that transaction, he must oppose the motion, and thought no one could fairly blame him for objecting to it.

Mr. *Huddleston* observed, that marquis Cornwallis was one of the greatest characters, as appeared to him, that ever went from this country to India; indeed his name was well known, and greatly admired in every part of the world. He carried with him to India that for which his name will never be forgotten, a love and a due administration of perfect justice, including moderation. With absolute power, he was rigid in the dispensation of justice, but never lost sight of humanity. He gave an instance of the rigid justice and integrity of the noble marquis towards Tippoo Sultan, who had sent a large sum of money which he thought would detach us from those with whom we were united, and the money was sent back to him in a manner worthy the dignity of the British empire, because it should not be said that we deserted our allies. In a word, lord Cornwallis had laid down a system in India which, as it was the interest of this country, so he hoped it would be the practice of its representatives there, to follow. He had, for these and other reasons, the greatest of all satisfactions in assenting to the motion now before the house.

Mr. *Princep* said, he should have contented himself with giving a silent vote on this motion, had it not been for the observations which had fallen from some members who had taken part in this debate, who had doubted the propriety of the measure now proposed; these observations called upon him as a public man to give his opinion, as well as his vote upon the question; he considered the marquis Cornwallis as great a man as any this country ever possessed. He admired the manner in which he had acted as a public character, and particularly the mode he had succeeded in introducing in India, for regulating the security of property. He had much opportunity of experiencing the effect of the conduct of the noble marquis, and he could not now help expressing these sentiments as a tribute to his memory.

Mr. *Fox* said, he heartily concurred in the motion now before the house; but it was necessary for him to express the ground on which he did it, because he should have given his vote on a former occasion in like manner, had it been proposed at the time the vote was agreed to on the memory of Mr. Pitt. This was a testimony to the general merit of the noble marquis, and not on any particular part of his political life, however proper that might be; and he would observe also, that he agreed to this motion with the more satisfaction, because the words "excellent statesman," were not in it. On that ground, he begged his vote to be considered to be given, and that even, notwithstanding what had been said by an hon. gent. behind him on the subject of the act of union; for in considering that act, with all the circumstances attending it, he thought it to be one of the most disgraceful that ever happened to that country. The motion was then put, and carried.

[PAYMENT OF MR. PITT'S DEBTS.] Mr. *Cartwright* stated, that in the motion he had to submit to the house, he should follow the example that was set on the occasion of a former motion, and studiously abstain from any topic that might be likely to produce a difference of opinion; and to insure this the more effectually, he would, as had been done before, adhere to the precedent found upon the journals, in the instance of the late earl of Chatham. He thought, however, that he did not swerve from his purpose, in avowing, that he considered the death of Mr. Pitt a great national loss; and this opinion was certainly supported by the general sense of the people of this kingdom. In making his motion, therefore, he only submitted to the house, what he thought a testimony of the general estimation in which that exalted character was held. He was free to confess, that if he could bring himself to think, that the vote he undertook to propose, would, in the smallest degree, detract from the fame of that great man, he should never have offered it to their consideration; but seeing, as he did, that a similar vote did not, by any means, diminish the character of lord Chatham, or that his dying in debt had, in the least, sunk him in estimation, he did not conceive, how the same circumstances could have a different effect upon the memory of his son. When the house called to mind, that, for 20 years of Mr. Pitt's life, his attention was wholly occupied in the discharge of public duties, having no other subsistence for the support of his station, but the salaries of his offices; and that, with the exception of the Cinque Ports, he rejected all the emoluments which might have been so frequently within his reach, they must be impressed with a thorough conviction, that his poverty was the best proof that could be given of his virtue. In the investigation of his conduct, which took place in a committee last year, the gentlemen who composed it, as well as the whole house of commons, acquitted him of all blame, and acknowledged, that he came from the enquiry with unsullied hands. This vote, he said, was not meant to operate as a common precedent for discharging the debts of ministers, nor was it brought forward for any common purpose. It was generally, if not universally admitted, that Mr. Pitt was the main instrument of saving the country from that anarchy with which it was at one time threatened. Further still, this great man had done more for the promotion of public credit, and the improvement of the finances, than any other minister recorded in our history. Notwithstanding the difficulties we had to encounter, notwithstanding the calamities that had befallen Europe, he had raised the country to a pitch of prosperity, of which the world did not afford an example. When, therefore, he called upon the house to pass the vote he meant to propose, it would be felt, that he made the claim for a man entitled to this mark of the gratitude of the country; and notwithstanding the adverse opinions that some political men might entertain, he was sure he asked it for a man possessing in the fullest sense, the esteem and approbation of his country, which would not fail to sanction the vote with its most hearty acclamation and concurrence. With respect to the sum which would be necessary, it was found on the fullest investigation, that 40,000*l.* would be sufficient to cover the whole of the debts. When that sum was compared with what the nation paid for the late lord Chatham, and when the difference of the times, and the increased value of all articles of consumption were considered, it would be found, that the country was not now called upon to do more, than it did then. He should therefore move, "that an humble Address be presented to his majesty, to represent to his majesty, that this house, having received information that, on the death of the late right hon. William Pitt, he left debts to a considerable amount, for the payment of which his property has been found insufficient, and being desirous to shew every testimony of their esteem and respect for the memory of the said right hon. William Pitt, most humbly beseech his majesty to advance a sum, not exceeding 40,000*l.* towards the payment of the said debts, and to assure his majesty that this house will make good the same."

Mr. *Bootle* rose to second the motion. He seized this as the last opportunity the house would have, of shewing its respect to the illustrious character, which was so much entitled to the gratitude and veneration of the country; and he was sure the house would go with him in paying a just testimony to worth so great, talents so transcendant, and services so extraordinary. The debts which were to be discharged, were contracted while the great man who was no more, was in the public service, and wholly devoted to his official duties; it was therefore the duty of the country to discharge them. The country was the more called upon, as the illustrious person, as soon as he retired from office, adopted a system of retrenchment for the purpose of enabling him to reduce them by the produce of his economy. For this purpose he sold one of his country places, and this system of economy he continued after he returned to office. The hon. gent. said, he would not be the advocate of extravagance. He challenged any man to say, on looking over the list of these debts, that any one of the items could be considered as extravagant. He trusted that as no one ground on which the motion was founded could be denied, and as these grounds were amply sufficient to warrant the motion, the vote would be unanimous. And he was the more warranted in this hope, as there was no point of political dissension comprehended in the motion. One or two arguments might perhaps be urged against the motion. Some might think it would have been better to have paid these debts by means of a subscription; others might be fearful that this example would afford a precedent for less warrantable claims upon the public. With respect to the first of these objections, the only question was, whether the debts should be discharged by the nation collectively, or by the individuals of whom the nation was composed, and it would be unjust to deprive the nation of the preference. With respect to the second objection, this was but the second instance of such an application; and he trusted this vote would meet the same unanimous concurrence as that passed on account of the late lord Chatham. It was right that parliament should be jealous in cases like this, but that jealousy should not stand in the way of the just claims of distinguished merit. The debt was, in his opinion, the debt of the country, and the example of paying it would not be near so mischievous as the example of refusing to pay it. The example would not hold good except in cases of similar merit. The greater number of such cases we should have, the better it would be for the country; and on this ground, he trusted that this instance would not be singular. He trusted that no ground or difference of opinion would be found, and that therefore the vote would be unanimous.

Mr. *Windham* felt satisfaction in thinking, that it was as easy to concur in this vote, as it was difficult for him to agree to that which was proposed a few nights since. Every thing that related to great talents, long services, and those abilities that were ornaments to the country, demanded and received his approbation. The present motion had his assent, as it fell within the distinction he had already drawn respecting public honours and munificence. It called for no vote of approbation in favour of an individual for the whole of a long and varied course of public measures and public conduct, in contradiction to the opinions held or expressed by any gentleman, on various occasions, in the course of that public career. No man had a right to call on another for any approbation of that nature, and he felt that every man so attempted to be called upon, had an undoubted right to complain. In viewing the character of the deceased, no one could ascribe to him any low attachment to pecuniary gain; his mind was above such considerations; his conceptions had too much grandeur to admit of any thing of that kind. He did not think that any dangerous precedent was set by this measure. If these debts had been contracted by profusion and excess, by dissipation and vain luxuries, they might admit of a question. On the contrary, they were contracted by no lavish expenditure, no useless ostentation. The great character of Mr. Pitt's mind was too sterling to descend to those means of prodigality; and he even neglected what, in these times, was due to the situation he filled. He had an entire superiority to any thing of the nature of affectation. His salary was not enough to provide the indulgencies fit for his station, and the consequence was seen in the incurring of these debts. Insufficiency of salary, want of pecuniary attention, and the necessary impositions to which he was exposed, must have combined to embarrass his affairs. He therefore considered, that, in the part the house were now called upon to act, they were not indulging themselves in an improper sentiment of liberality, nor catching at any transient reputation of magnanimity, nor wasting the public money; nor should he think that the case, even were they to make some provision for those who were most near and dear to the deceased.

Mr. *G. Ponsonby*, on a former motion respecting the late chancellor of the exchequer, felt much reluctance in opposing the vote. He felt as much satisfaction in supporting this motion. This was not paying the debt of Mr. Pitt, it was paying the debt of the public. For twenty years Mr. Pitt had been first minister of this country, and that house had supported him in the ministry: but for the same 20 years, it had allowed him too little for his maintenance; and when he was told, that there were 40,000*l.* to be discharged, he was astonished the amount was so little. If he differed much from the deceased in politics, it was always without rancour. He was always just to his great qualities: now he was particularly so, and at the same time indulgent to his weaknesses.

Lord *Folkestone* said: Mr. speaker, I do not very well know on what ground the hon. mover rests his claim to our assent to the motion now before the house. In one part of his speech, he seemed to me to rest upon the ground of *public merits.* Now, sir, if he does so, on that ground I cannot assent to it, because those public merits I do not acknowlege; and I am glad to take this opportunity of stating explicitly, that I have no share in the merit lately given to gentlemen on this side of the house. The other day, an hon. member for Yorkshire gave great commendation to us, for the candour in acknowledging, as he said we did, the public services, the great talents, and the disinterestedness of Mr. Pitt. To that commendation I have no share. The public services of Mr. Pitt I deny. His great talents I do not admit. His public disinterestedness I do not admit, his private disinterestedness I certainly do admit. The necessity which has called for the motion now in your hand, sir, proves it: but we did not want that proof. We all know that Mr. Pitt held but one place of emolument, except those which were accompanied with great public labour; and we all know that for many years of his administration he had but that one: and, I dare say, every gentleman recollects the manner in which that was bestowed upon him, equally honourable to the giver as to the receiver, and forming a remarkable and glaring contrast with that in which it has been lately bestowed. On these grounds, therefore, of private worth and private merit, and not at all on the score of public service, do I agree to the motion of the honourable gentleman.

Admiral *Hervey*, if he had been present on a late occasion, would have concurred in the vote to do honour to the memory of the great man, who claimed the regret and admiration even of those who were politically hostile to him. For himself, he held it his good fortune to have generally agreed with him: but if he necessarily differed with him sometimes, that would not abate his sense of his merits; and he hoped they would this night have the unanimous acknowledgment of all, even of those who sometimes differed from him most widely.

Mr. *William Smith* did think that he was called on, consistently with the opinion he had expressed on the former night, not to give an unlimited concurrence to the present motion. It was impossible for him, thinking as he did, and had always done, of the conduct of the right hon. gent. to vote in an unqualified manner in support of the motion. As to the disinterestedness of the right hon. gent. he entirely agreed in that point with the other members who had spoken. How far the country, however, was called on to make up any deficiency in the right hon. gent.'s fortune, must depend on the services he had rendered the country. If the salary was not adequate, an additional burthen must be imposed on the people. This he was averse to do in times like the present, let who would be in office. Here, however, every thing must be grounded on the opinion of the services performed, and the gentleman who brought forward the motion, even declared that as the express reason of it. If so, how could they call on him, who did not think that the right hon. gent. had done any service to the state, to concur in the address, so diametrically opposite to his own opinion? He was aware that there might be other reasons for pressing the proposed motion, besides the ostensible one. While they seemed, from motives of friendship, to desire that every mark of respect should be paid to the memory of their departed head, was it not apparent that those very gentlemen were indirectly drawing in the hon. member and the house to compliment themselves? He declared that he should never be induced, either directly or by a side wind, so to libel himself or the persons who had acted with him, as to give an unqualified vote which might seem to warrant this interference. He wished to speak with respect of the deceased, but when he heard him spoken of as having been the saviour of the country from anarchy,—[hear! hear! from Mr. Pitt's friends,]—he regarded the expression as a proof, that in these votes in honour of him, they wished to obtain a substantive sanction of their own conduct, [a cry of no! no! by Mr. Pitt's friends]. He wished gentlemen to reconcile what they said when they at once disclaimed all mixture of politics on this question, and grounded the vote on the very parts of Mr. Pitt's political conduct that were most likely to cause dissension. He believed now as he did then, that the anarchy alluded to was nothing more than a cry raised to bring into disrepute persons for whom he had the highest regard, long since so perfectly justified, that it was unnecessary for him to say one word in their vindication. The clamour was increased to lay grounds for inroads upon the constitution beyond what it had at any other time suffered. These were acts which he could not acknowledge as merits; and if unanimity were wished for in passing the motion, it would have been wise to abstain from touching on such topics. He thought it a degradation to Mr. Pitt's high talents and great mind, to claim credit for him for exemption from acts, that would have debased and degraded him to the level of the lowest and most depraved. Was it to be held out as virtue in him, that he did not condescend to become a peculator? that he did not enrich himself by becoming a plunderer of the public purse? He believed the right hon. gent. was infinitely above such conduct, and, if he agreed in the vote, it was not for the reasons which had been urged by his friends. He should have thought that he rather degraded the right hon. gent. in taking merit to him from such circumstances. He should have thought the friends of the right hon. gent. would have consulted his honour more in entering into a subscription among themselves to make up the deficiency of his fortune. If their exertions had not been sufficient for the purpose, he declared that he would with pleasure have contributed whatever might have been required from him. If he thought the country at large would agree in thinking this a proper mode of disposing of the public money, he, too, would have agreed in the present vote; as he did not believe that would be the public opinion, he did not think himself entitled to support the motion.

Mr. *Rose* disclaimed all idea of ascribing any merit to the late minister for his not descending to the practices of peculation;

and the great merit he attributed to his lamented friend was, that he, aided by the worth and private virtue of his sovereign, was an instrument in the hand of Providence, to save his country from that anarchy with which it was threatened and surrounded. He felt himself bold to say, that his abstaining from deriving any pecuniary emoluments from the ministerial advantages he possessed, was not his only merit. At the time when some political circumstances induced that great man to retire from office, a great sensation was felt in the city of London, on account of his pecuniary embarrassments; and, at a meeting privately held for that purpose, some gentlemen had come to a resolution to raise, in the space of forty-eight hours, the sum of 100,000*l.* for his relief. An hon. baronet, who was, probably, then in the house, communicated this resolution to him (Mr. Rose), as a proper person to propose it to his deceased friend, in the manner most likely to reconcile him to it. He did so; and he solemnly declared, in the presence of God, that the answer he received from Mr. Pitt, was:—"no consideration upon earth shall ever induce me to accept it." This was done, too, at a time when his right hon. friend was in circumstances particularly painful. The hon. gent. said it was a fact not generally known, but known to himself and a few friends, that Mr. Pitt had taken a determination to return to the practice of his original profession, and to endeavour, by the industrious application of his talents, to raise a fund to discharge the incumbrances that pressed on him. Another offer of a similar nature was made in 1801, to which he also refused to accede. This surely was disinterestedness of the highest order, for the offer was made on grounds the most honourable to him, and to his great and distinguished public services. He thought it but a justice due from the country that it should pay debts evidently contracted in consequence of the engagements of the man in the business of the country, and from what appeared on the face of them, the result of the official situation his right hon. friend held. He owned that at a meeting of the creditors of his right hon. friend, he had recommended that the money should be raised by a subscription among his friends, rather than that an application should be made to parliament. He believed the money might have been raised by such a subscrption. But it was thought that justice to the memory of his right hon. friend, and to the liberality of the house, and of the country, indispensably required the present mode of proceeding.

Mr. *Manning* said, he was very well convinced it would be much more difficult to repress, than set in motion the discharge of the late minister's debts amongst his private friends, who entertained but one opinion as to the value of his public services, and considered him the instrument of Providence in effecting the salvation of his country; but he was, at the same time, satisfied, that the mode now proposed, would be the most acceptable to a great majority of the people of this kingdom. He bore his testimony to the statement made by Mr. Rose, that in 1801, Mr. Pitt resisted the proposition then made for the payment of his debts. He said, that, during the 13 years he sat in that house, he seldom troubled them at all; and never in his life proposed any expenditure of the public money. On the contrary, in a year of great difficulty, he was the first to suggest the plan, which was adopted by the then minister (Mr. Pitt) for raising a sum of money, by voluntary contributions, which, in the result, amounted to 2,000,000 sterling. After this instance, he did not expect to be considered as a squanderer of the public money, if he supported this motion; though he knew, that if this notice had not been given, the sum now demanded would have been raised with great ease and convenience, by the friends of the late minister.

Mr. *Cumming* said, that though he never spoke in that house before, he could not now help saying, that he cordially supported the present motion, on the ground of Mr. Pitt having been a great minister, and an excellent statesman.

Mr. *Ellison* supported the motion with much earnestness. Mr. Pitt he considered as a character without spot or blemish. There was nothing about him on which malignity could fix. The country and that house had already acknowledged his great and pre-eminent services. Had he pursued any other profession, he might have realized an immense fortune; but he had devoted himself to his country.

The Marquis of *Douglas* complained of the arguments used for the motion, as he considered it solely with a view to acting handsomely towards a servant of the public. He acquiesced in it as an act of the public generosity of a great nation to a departed servant; but not on the ground of his being a man without spot or blemish; not on the principle of approbation, but on that of generosity.

Mr. *Fox* rose and said:—I certainly did mean to give a silent vote upon this occasion, because I did conceive that if a general unanimity had prevailed, I should have best expressed my opinion, by simply observing, that such a motion had passed *nemine contradicente.* But, sir, that not being the case, I beg leave to declare to you and the house, that I never gave a vote with more satisfaction in my life than I shall do this night, in support of the motion. I conceive it to be a tribute due to departed worth—the reward of a great and munificent nation to a meritorious servant of the public. I will own, however, that the manner in which the motion was introduced was not calculated, if I had been otherwise disposed than I am, to induce me to give it my assent. I consider this question as perfectly distinct from the vote of Monday last, but I must say a few words with respect to an expression adopted by an hon. gent. on the other side of the house, who, speaking of Mr. Pitt, called him the "saviour of the country." Now, upon that subject, I beg leave to say, that I maintain all my former opinions quite unaltered, as they have constantly been from the moment the country was in the situation in which it appeared in the years 1803 and 1804. I certainly thought it expedient, and for the advantage of the country, that the political debates and animosities of those and former times should, as far as related to persons, be buried in oblivion. I thought it would not be proper for me at that period to take a great and principal share in the administration of the country. I did not conceive it would be behaving in the manner which I have ever felt to be the rule of propriety. I thought, and am convinced, that Mr. Pitt had the same sensations as myself. He certainly did give the most ample testimony of his wish to bury all animosities. From that time, though various warm debates have occurred, I have cautiously abstained from referring to those topics that might excite former differences. I felt that he had given unequivocal testimony of his intention. I confirmed, and we have mutually persevered in our determination. I think, therefore, that the house will do me the justice to say, that if I would not while he lived touch on such subjects, much less would I do so now he is dead. As far as relates to me, neither now nor ever will I touch upon them. But if those who were no parties to our mutual determination think otherwise, and that such topics ought to be discussed, I beg leave to state, that I am not averse from personal motives to enter into them. I conceive it unnecessary to do so for reasons which I think right; I shall religiously abstain from any mention of them. The right hon. gent. himself, when living, did so generally and systematically. I did feel a wish that he should form part of the administration of the country, which I thought it not right at that moment to have any share in; I therefore deemed it improper to refer to his former conduct. If there had been any words in the present motion expressive of any approbation of his measures, it would be impossible that it could be adopted with unanimity; but I give my support to it because it is not liable to any such objection. To speak of Mr. Pitt, that he did not descend to any improper measures with regard to money, would be to dishonour his memory; but we are to consider other matters in which his conduct was equally unblameable. Mr. Pitt was minister for 20 years, and to the best of my knowledge, except the wardenship of the Cinque Ports, I do not know of any one office connected with him of a personal nature. He had not only the merit of a general disinterestedness, but possessed in every particular that distinguished feature. It is indeed a kind of testimony which, since the accession of the house of Brunswick, I may pay with equal truth to almost every prime minister. I think Mr. Pitt is entitled to that praise, and I think we should bestow it in a manner, that if he could know what was now going on, would not give him pain. The motion has my cordial support.

Mr. *Canning* said, he had hoped he should not have been called upon to say any thing in support of the motion. He hoped that in the little he should say, he should not deviate from the candour and moderation so laudably professed on the other side, but used at the same time as a veil to throw over one or two propositions in which he did not agree. Some of the gentlemen on the other side were willing to allow parliament to discharge the debts of his late right hon. friend, as a matter of generosity towards an old public servant. He wished it to be known, however, that the friends of that illustrious person would not be satisfied to receive the vote as an eleemosynary grant to posthumous necessities; not as the boon of pity or compassion, but as a public debt to a highly meritorious public servant. He was not from the beginning so sanguine as to expect an unanimous vote; he would not purchase unanimity by conceding a tittle of the high and splendid services of his illustrious friend. Referring to the preceding night, he appealed to the house, whether it was not on the other side that the topics of dissension were started? Objections were made on that occasion to the form of the motion. The fault he found with it was, that it was cold and inadequate to the feelings of those who supported it. When the friends of the great man who was the subject of these motions, consented to neutralize the expression of their feelings for the purpose of removing the grounds of opposition to the motion; when they resolved, instead of dipping the pen into the heart, to look into the cold forms of the statute book for a precedent; when they had lowered and diluted every glowing feeling; when they had restrained and chastised their feelings, in order to constitute unanimity, the result had added to the many proofs he had met with in the course of his political life, that nothing was to be gained by compromise. The nice canvassing of particular points began on the other side, and in a quarter, too, which took a great share in all those transactions which were now the subject of criticism and condemnation.—

Mr. *C. Wynne* called the right hon. gent. to order; it being irregular to revert to former debates.

Mr. *Canning* said he had no desire to go back farther than to shew, that the agitation of the objects of dissention originated on the other side. It was expected by those who brought forward this motion in such general terms, that it would have been very generally supported. However widely political differences might have ranged, it was hoped that now all those differences would be buried in the grave, and that all political animosities would cease; That it would be said—

> ———"All thy good
> "Now blazes, all thy guilt is in the grave."

that brilliant luminary, whether its dawn was clouded or its meridian splendour obscured, had held a course glorious for the country, and worthy to call forth its admiration and gratitude.—He protested against the mode in which the hon. gentlemen gave their support to the motion, and wished to restore them the benefit of that consistency, which they laboured so much to reconcile with the support they gave. He gave credit to the hon. gent. who refused his consent, because he did not see the merit. He confessed he did not see the ground on which the hon. gentlemen opposite to him followed a distinct course. If it was given as an eleemosynary grant, without any distinction of merit or demerit, he disdained it. He could not help complaining, that the hon. gent. opposite, while professing to avoid all points of political dissension, had cast a general stigma on the whole system of the present reign, during one half of which his right hon. friend had been at the head of affairs. This was not in the recollection of the hon. gent. when he took credit to himself this night, for not being one of those who introduced such topics. He begged gentlemen again to consider on what ground they agreed to the motion. Those who did not vote for it on the ground of Mr. Pitt's merits, had better oppose it openly. It was only as a tribute to great merits that he would receive it, and if any one supported it on any other ground than as a testimony and a reward of these merits, he wished him to withdraw his support, and preserve his consistency by opposing it.

Mr. *Fox* in explanation observed, that there was a considerable difference between commenting upon particular instances of a minister's conduct, and animadverting upon the general system of administration that had been pursued, not only during the late right hon. gent.'s official career, but during the whole of the reign. With respect to what the right hon. gent. had said, as to the grounds upon which he wished the present motion to be supported, he had only to add, that he had distinctly stated the grounds of his own vote in favour of it to be, Mr. Pitt's merits. The motion on the former night had stood on a different footing, and been amply discussed on that occasion. The present question, was totally distinct from that, and ought to be decided upon its own grounds.

Mr. *Huddlestone* said a few words in support of the motion.—The question was then put, and carried, *nem. con.*

[AUDITORSHIP OF THE EXCHEQUER.]

Mr. *Fox* called the attention of the house to a subject on which there had been supposed to be some difficulties, the circumstances of which were somewhat peculiar. He understood there were several new appointments about to take place under his majesty's government, and that a noble lord (Grenville) was about to hold an office at the head of the treasury, who now held the office of auditor of the exchequer. Doubts had been entertained by some persons whether the office of auditor of the exchequer was compatible with that of an office of a lord of the Treasury, or that they could be both held by one person, that is, whether they could be legally held by one person. He was not aware of that illegality, nor did he very clearly see the foundation of that doubt. However, it was expedient to make the matter indisputable, and that would be best done by a bill for the purpose. These offices had both been held by one person on former occasions—by lord Hallifax, by the late Mr. Pelham, and others, but the better way would be to remove all doubts by an act of parliament; and, therefore he should move for leave to bring in a bill to remove certain doubts respecting the appointment of a proper person holding the office of auditor of the exchequer, and that of a lord of his majesty's treasury. If the house should grant him leave to bring in the bill, he should bring it up immediately. It might be read a first and second time to-night, and ordered to be committed to-morrow; and any member would then have an opportunity of delivering his sentiments, if there were any objections to it, of which he was not aware, for the case appeared to him to be a clear one.

The *Speaker* said the house would excuse him for calling their attention to this subject; but it was his duty, as he felt it, to state what he understood to be the recent practice of the house, which was, on every proposition for bringing forward any measure on which the house was to act, to give notice of its being intended to be brought forward. That being done, the measure, if in the opinion of the house public exigency required it, might go through all its stages, though a bill, in one day, as had often happened; so that the hon. gent. might be as forward by moving this matter to-morrow, after notice to day, as if leave were given to bring in the bill now. This was the modern practice of the house, of which it was his duty to remind it; whether it was to be adhered to, or abandoned, was with the house to determine.

Mr. *Fox* submitted to the chair, and admitted the correctness of this statement of the practice, which was, however, but a modern practice. It was no essential part of the proceeding of the house to give any notice of a regular parliamentary motion, although it was certainly convenient in practice; but he might perhaps venture to doubt whether the house ought to make so low a bow to a modern practice, as not in any instance to deviate from it, however urgent the case might be.

The *Speaker* said he did not presume to state that no member was at liberty to bring forward a measure without notice; but he thought it his duty to call the attention of the house to what had been, generally, the recent practice on such occasions.

The *Attorney General* said, that it had been the fashion of the house, for a considerable time, to conform to the practice referred to by the chair, and the question on this occasion was, whether that practice should be attended to, or whether it should be given up to gratify the wishes of the hon. gent. That hon. gent. professed to think, that no notice whatever was necessary; and he wished to have the bill alluded to, read a first and second time on the same day. If such a thing were to be admitted, and the practice were to go on, a bill might be actually passed through all its stages in one day, and if so, what guarantee could the house have against being taken by surprize upon the most important measures? As the bill proposed by the hon. gent. could not really be so very urgent in point of time, he saw no reason why it should be pressed forward so precipitately.—With respect to the measure itself, if he understood it right, it could not be intended so much to remove doubts as to establish a new principle of law, and therefore he thought the real object of it should not be disguised: though in the instances that had been quoted as precedents, it appeared that the individuals formally resigned, but substantially held the offices, yet it was evident that they thought they could not consistently with law hold them formally. These persons acted under an impression that they could not legally hold them. The legal principle was, that no person could hold two offices, one of which was subordinate to the other, and immediately under its controul. If it was the object of the hon. gent. to remove this disability, and establish a new law on the subject, he begged of him to let the house know it, that they might be aware of what they were about. The office of auditor of the exchequer was subordinate to, and subject to the check of, the commissioners of the treasury. Of course the office of auditor of the exchequer and commissioner of the treasury could not, either in law or equity, be consistently held by the same person. Certainly such appeared to be the conception upon all former occasions, and therefore the hon. gent. could not justly talk of the existence of any doubts upon the subject. The bill he had in contemplation, therefore, could not be said to be a proposition to remove doubts, but to enact a new law.

Mr. *Fox* stated that, agreeably to the suggestions of the hon. gent., he should give notice of his motion for to-morrow.

Mr. *Rose* said he wished to speak upon the subject of the hon. gent.'s motion.

The *Speaker* observed that there was no question before the house.

Mr. *Rose* said that he was not contented. He rose to object to the hon. gent.'s withdrawing the motion—

The *Speaker* begged the right hon. gent. to recollect that no motion was made, as he had interrupted the hon. gent. in his progress towards making a motion.

HOUSE OF LORDS.

Tuesday, February 4.

[Continental War.] On the order for summoning their lordships for this day being read,

Lord *Mulgrave* said, he had hoped when he gave his notice for this day, that the arrangements in contemplation would have been completed, so as to have ensured a full attendance of their lordships, it having been his intention to enter into an explanation, respecting several points connected with the papers which he had laid upon the table, at the same time that he presented to their lordships, by his majesty's command, several other documents upon the subject of the late continental war. He had brought down the papers to which he alluded, and he could not let this opportunity slip, of giving some explanation to their lordships, upon certain points which they involved. Had it been upon any ordinary occasion that the treaties were presented to the house, it would have been sufficient to have left them to speak for themselves. Their lordships would, in perusing them, have found that the first object of his majesty's government had been, to form a well-arranged plan, which, in its execution, might afford every reasonable prospect of effecting the deliverance of Europe; the next object was, that those means might be provided, which might give effect to the negociation, which was at that period expected to be carried on, or, in the event of that negociation terminating in war, might enable the allies to pursue hostilities with proportionate energy and vigour. They would have seen by these treaties, that 500,000 men were to have been brought into the field, 320,000 by Austria, and 180,000 by Russia, a number certainly amply sufficient, according to every calculation, for the purposes of carrying into effect those objects which it was sought to attain. It had been a matter of calculation, what number of troops France could have brought to act upon a certain point, in a given time, and what number of Austrian and Russian troops would be at that point by the time specified. He received official returns, by which it appeared, that 320,000 Austrians, and 180,000 Russians, were actually in the field, or on their march. The Russian troops in fact marched according to their engagement, and arrived at their destination, and were ready to take the field, two days earlier than the time specified for their reaching the point where they were to effect a junction with their Austrian allies. The plan thus prepared, the arrangements thus made, were unfortunately deranged by the precipitancy of Austria. The deviation of Austria from the plan agreed upon was not slight and trivial, but it was a complete and entire deviation, and to this must be attributed all the calamitous consequences that ensued. The object of this country was, either to promote a negociation for a general peace, upon a permanent basis, consistent with the welfare and security of Europe, or to establish an armed negociation, with a view of putting a period to the usurpations and encroachments of France; and, if war was the result, to support that war by means which, according to all human calculation, were adequate to the effect the object proposed.

Austria had till the end of the year 1805, to negociate, as the subsidies from this country were not payable, if she commenced hostilities before the end of the year. Unfortunately, however, from her precipitancy in sending forward her troops, the melancholy events of the campaign, and the calamitous day of Austerlitz, had resulted. It was the occurrence of these unfortunate events that had induced his majesty's ministers to obtain his majesty's commands, to lay before parliament every document that could in any degree elucidate the subject, or explain any of the points connected with the treaties, which he had, on a former day, laid upon the table. They had done this, in order that their conduct might be placed in that point of view, in which they wished it to be considered, convinced as they were, that it would be found free from the slightest blame, on account of the recent unfortunate events on the continent. He could not help also again expressing his anxiety that the character of that illustrious statesman, whose loss they now deplored, should be cleared from the imputations, which, on account of those events, had been so unjustly cast upon it. In attributing those events to the precipitancy of the emperor of Austria, and his deviation from the plan arranged by the allies, he must, at the same time, deprecate any imputations being thrown upon that monarch on account of his signing an armistice, and subsequently a treaty of peace with France. It was easy for those who were at a distance from the scene of action, to condemn the conduct of that monarch; but it should be recollected, that he did and suffered much for the common cause; that he gave up his capital to the enemy, and fought in person against them. If after this he was induced by the calamitous circumstances that ensued to give way and make peace with France, it should rather be lamented as an unfortunate circumstance than be made the subject of condemnation. As some noble lords had come into the house since he had risen, whom he wished to hear his explanation, he would shortly recapitulate. He then briefly repeated his former statements, adding, that the negociations between Austria and France, it was known, must be broken off in consequence of the annexation of Genoa to France, and that it was expected that when hostilities commenced, Austria would have acted upon the defensive in Germany and offensively in Italy. He had observed on a former evening, that certain articles of the treaty with Russia were withheld, he repeated, that no other motive had induced his majesty's ministers to withhold them than a desire that no injury might result to certain continental powers from the publication of the recitals contained in those articles. This was their only motive, as those who were about to succeed them would soon be enabled to judge, from an inspection of the documents themselves. He was anxious that the subject to which the papers on the table, and those he was about to present, referred, should be fully and amply discussed. In the result of that discussion he had the utmost confidence; and he would repeat what he had said on a former evening, with reference to that subject and the conduct of his colleagues and himself, that there was no measure which he could now wish had been taken, that had been omitted, nor any measure adopted, which he would now wish to retract.—The noble lord concluded by intimating his majesty's commands to present certain papers; which, on his lordship's motion, were ordered to lie on the table. They consisted of extracts and dispatches from lord G. L. Gower and sir Arthur Paget to lord Mulgrave, the declaration of Austria, and some other papers, which will be found in the Appendix.

HOUSE OF COMMONS.

Tuesday, February 4.

[MINUTES.] Mr. Wilberforce presented a petition from the insolvent debtors confined in the county gaol of York. Ordered to lie on the table.—Mr. Johnson, from the chief secretary's office, in Ireland, presented the report of the commissioners appointed to examine the expenditure of the paving board, of the city of Dublin. Ordered to lie on the table. —Mr. W. Dickenson presented the first report of the commissioners appointed by his majesty to revise and digest the civil affairs of the navy. Ordered to lie on the table, and to be printed.—Mr. Dickinson presented an estimate of the debt of his majesty's navy as it stood on the 31st of December 1805; and also, an estimate of the money that will be wanted for the transport service; for the establishments and hospitals relating to his majesty's sick and wounded seamen at home and abroad, and for the maintenance of prisoners of war in health and sickness at home and abroad, in the year 1806.

[Malt Duty Bill.] The house having resolved itself into a committee on the bill for continuing the duties on land, malt, sugar, snuff, and tobacco;

Mr. *Harrison* wished to know, whether this bill contained a clause of appeal from the summary jurisdiction of magistrates, in matters of penalty, to the courts of quarter session? In the malting counties, he observed, the persons dealing in that article, were under severe hardships, in consequence of their barley being often sweated by drippings and oozings of snow and rain, and also by other accidents, which were frequently taken or pretended by the exciseman to be taken, for illegal wetting; and this belief, sworn before the magistrates, subjected them to the heavy penalty of 200*l.* for each offence. If a clause of appeal, therefore, had hitherto been omitted, under these circumstances, it was necessary that the defect should be supplied.

Mr. *S. Bourne* replied, that this bill was exactly in the same words as the bill of last year; but he was not aware, at present, of any objection to such a clause as that proposed; and he added, that, should it not, upon consideration, prove objectionable, a clause to that effect would be prepared by to-morrow.

Mr. *Patteson* supported the objections made by the hon. gent.; observing, that the maltster was completely under the lash of the exciseman, who had the penalty inflicted by the magistrate, if he only swore that he believed the malt to have been wetted

Mr. *Fuller* observed, that in all justice there ought to be an appeal to the quarter sessions. The hardships sustained in the malt counties were intolerably severe; and people living at a great distance were often under the necessity of paying the penalty, sooner than be at the trouble and expence of coming up to London to seek for redress. He loudly complained of sending visitors to inspect the malt, who had an interest in inflicting penalties; and thought the excise board ought to employ proper officers for that purpose.

Mr. *Rose* said, that the officers of excise had no interest whatever in the penalty inflicted.

Mr. *Patteson* insisted, that they had a considerable interest in the amount of such penalties as 200*l.* He knew himself, he said, of an instance, where an information against a person who employed 40 workmen, without ever going before the magistrates, was sent up to the exchequer, and the person sent to prison, upon the infliction of two penalties of 200*l.* each. He afterwards paid these fines, and immediately discharged his 40 servants, preferring to relinquish the business, sooner than be liable to so much severity and injustice.

Mr. *Rose* asserted, that the dealers in malt were not under the lash of the excisemen, but of the magistrates. There was no branch of the revenue in which there were so many frauds, and so difficult to be detected.

The *Attorney-General* observed, that though some hardships might have been experienced by particular individuals, yet it was well known that the very circumstance now complained of was a most abundant source of frauds upon the revenue. The pretences of snow, rain, and other accidents, seldom turned out, upon examination, to be any other than frauds attempted on the revenue. He believed he recollected the case alluded to by the hon. gent., and, if he recollected right, the party was only subjected to one mitigated penalty; as it appeared that the fraud was attempted by a servant, without the apparent privity of the master. It was, however, rather singular, that the servant should wantonly, and of his own accord, have ventured on a fraud, in which, as a servant, he could have had no interest. Upon the whole, it seldom failed to be made out to the satisfaction of juries, that what was called sweating, turned out to be an actual wetting of the malt; but, at the same time, he was ready to admit, that it might be right for the parties to have the power of appeal.—The report was ordered to be received to-morrow.

[Auditorship of the Exchequer.] Mr. *Fox*, pursuant to the notice which he had yesterday given, rose to submit his motion to the house, for leave to bring in a bill to enable a person holding the office of auditor of the exchequer to hold also the office of a commissioner of the treasury. The object of his bill was to legalise the holding of these two appointments, by enabling the auditor to appoint a deputy for discharging the duties of that office. He had before stated, that he entertained no doubt himself on the subject. Yet, as possibly other gentlemen might not feel as he did, it was the wish of the noble lord concerned, that nothing should be withheld from the house, but that all the circumstances connected with the transaction should be before the public. But as the idea was gone abroad, that the auditor of the exchequer was a check upon the lords of the treasury, he thought it right to advert to that circumstance. The fact was, that he was not a check upon them, and it was absurd to suppose, that any officer whose appointment was in the gift of the lords of the treasury could be any check upon them. He should hope, therefore, that no difficulty would be felt in complying with this measure. Nobody, he thought, would be of opinion that the office should be given up by the noble lord, and on that account he trusted that no objection would be felt to the bill. He had yesterday stated the case of lord Halifax in the reign of George I. In that case lord Halifax had given the auditorship nominally to his brother, whilst he virtually continued in the enjoyment of it himself. The noble lord might, in the present instance, act upon that precedent, but he was better pleased that the transaction should wholly rest on legislative grounds. He therefore begged leave "to move for leave to bring in a bill for removing certain doubts respecting the appointment of any person holding the office of auditor of the exchequer to the office of one of the commissioners of the treasury." With respect to the doubts, when they should come to the preamble of the bill, that expression might be struck out, if gentlemen should be of opinion that no doubts existed.

Mr. *Rose* declared, that no man in that house could be less disposed than himself to throw any impediments in the way of the noble lord's appointment to the office in question: on the contrary, it gave him the highest satisfaction, when he understood the appointment was to take place, because he was sure it would be a most efficient appointment: but with respect to the duties of that situation which the noble lord already held, and those of the situation to which he was recently appointed, no two offices on earth, in his opinion, could be more incompatible, nor could any thing be more incongruous with the spirit and meaning of the law which settled the usages of the treasury, than that the auditor of exchequer, avowedly and obviously appointed for the purpose of check and controul over the lords of the treasury, and other officers connected therewith, to prevent the improper issue of public money, should hold an office in which he was to be the check and controul upon himself. The statute of the 9th of William III. passed for the very purpose of recognising and establishing the ancient course of proceedings in the exchequer, enacts, that no money shall be issued from the exchequer, even by the order of a lord of the treasury, for any purpose whatever, unless such order be signed by the auditor of the exchequer, for without his signature such an order would be a mere nullity. This had been the practice in his own day, and he had witnessed instances where such controul had the most salutary effect, in preventing the improper issues of money. It had been the uniform practice of modern times, to separate the offices of lord of the treasury and auditor of the exchequer, and this was the first attempt he had ever witnessed to conjoin them. The case of lord Halifax, he, by no means, conceived to bear out the principle. Lord Halifax was first lord of the treasury, and chancellor of the exchequer, when the auditorship became vacant. He did not then take the office to himself, but gave it to his brother. When afterwards he resigned his former offices, he sat down with the auditorship of the exchequer. As to the privilege of appointing a deputy, to exercise the controul over the very person who appointed him, and who also might dismiss him at pleasure, he should be glad to know, how the check required by the statute of William in this case could be obtained, as it was not very probable, that a deputy, so appointed, would be very strict under such circumstances. With respect to the case of Mr. Pelham, he was appointed a lord of the treasury in 1743, and was not appointed to the auditorship of the exchequer till eight years afterwards, and then did not hold both offices together. The proposed bill, instead of removing any doubts upon the subject, for in fact none existed, nor could any thing be more clear and definite than the established regulations on this head, proposed to alter the whole course of the exchequer; and therefore it ought not to pass under any other title than as a bill to alter the course of the exchequer, and to enable the noble lord to hold two offices totally opposite and incompatible in their nature.

Mr. *C. W. Wynne* combated the arguments of the last speaker, from a comparison of the different clauses of the act of parliament, and maintained that the auditor of the exchequer was not meant to be a check on the first lord of the treasury, but to see that the several sums granted were applied to the particular services for which they were voted. As to the idea, that the auditor of the exchequer could never be a proper check on the first lord of the treasury, if the first lord of the treasury were also to hold the office of auditor, and to be allowed, as proposed by the present bill, to discharge the duties of it by deputy, he declared that he could see no more ground for that supposition in the case of a deputy, than where, as in the precedents alluded to, the person to act as auditor was appointed by the first lord of the treasury. Whatever evils could be supposed to arise out of the mode now proposed, must, he presumed to think, have been far greater under the former practice. At all events, if there was any thing wrong in the two offices remaining really though not ostensibly in the same person, no man, he hoped, would dispute that it was better, and more honourable, that such arrangement should take place openly and fairly, and with the approbation of parliament. The constitution of the exchequer, too, he begged it to be observed, had undergone a considerable alteration since the time of its first establishment. The auditor at that time derived a principal part, if not the whole, of the emoluments of his office from a per centage on the issues from the exchequer, thereby giving him an interest in the amount of such issues. Now, he was remunerated by a salary.

The *Attorney-General* declared that nothing could be farther from his wish than to throw unnecessary impediments in the way of the present bill. Of all the proposed appointments of which he had heard, the one now alluded to, was that which gave him most pleasure; and if what he had to say on the subject should induce the noble lord to take another office, he should feel very serious concern from the circumstance. He wished that such steps should be taken in the matter as should forward it as far as the hon. mover could expect the business to proceed this night, and that gentlemen should take till to-morrow to consider what would be the most effectual mode of proceeding afterwards. He agreed entirely with the hon. gent. opposite, that it was far better to proceed openly, under the sanction of an act of parliament, than in a clandestine manner, and by an artificial transfer of the office. But he submitted, that, in place of a deputy to be named by the auditor himself, the preferable mode of proceeding would be that parliament should, *nominatim*, appoint a legal trustee to act for the noble lord, who, of course, would be responsible for the faithful discharge of his office.

Mr. *Fox* said, that, for his own part, he could see no objection, at this moment, to the arrangement proposed by the hon. and learned gent. He was aware that it was not orderly in him to say that he wished to consult another person out of the house on what passed in that house. He trusted, however, to be excused for expressing a desire to submit the suggestion of the learned gent. to his noble friend before he entirely acquiesced in it. He at the same time submitted, as it would be completely competent to alter the bill in the committee, agreeably to the suggestion of the learned gent., if his idea should be approved of, that, to save time, the bill should be read a first and second time that night.

Mr. *Rose* declared, that his objections would be done away by the appointment of a trustee under responsibility.—The question was then put, and leave given to bring in the bill; Mr. Fox and Mr. Williams Wynne being ordered to prepare it, Mr. Fox then brought it up, and it was read a first and second time, and ordered to be committed to-morrow.

HOUSE OF LORDS.

Wednesday, February 5.

[Minutes.] Lord Lowther presented a petition from the debtors confined in Carlisle gaol, which was ordered to lie on the table.—Mr. Fox, accompanied by several members of the house of commons, brought up a bill to enable the auditor of the exchequer to nominate a trustee to execute the duties of the office in the case therein mentioned. The bill was read a first time, and ordered to be read a second time to-morrow.—Lord Auckland made a motion respecting the standing order. His lordship's motion was, to take the standing orders, No. 104 and 155, into consideration to-morrow, with the view of suspending them, for the purpose of passing the above bill through its different stages; which was ordered, and that the lords be summoned.

HOUSE OF COMMONS.

Wednesday, February 5.

[Minutes.] Mr. Hase, from the governor and company of the Bank of England, presented an "account from the Bank of England, of the receipt and expenditure of 7,615,167*l.* 7*s.* 6*d.* in one year, from 3d Feb. 1805, to 31st Jan. 1806, by the commissioners for the reduction of the National Debt; and of the receipt of 1,906,104*l.* 17*s.* 1¾*d.* to be applied in the quarter between the 1st Feb. and the 1st May, 1806."—The secretary at war presented, pursuant to order, the several accounts moved for by Mr. Sheridan, respecting the additional force bill. The right hon. gent. observed, that those accounts were very voluminous, perhaps too much so for general reading, but among them was a recapitulation paper, which contained the substance of the whole. For the printing of this paper only, it was his intention at present to move. If it were not on perusal deemed satisfactory upon the subject referred to, it would be competent to any gentleman to move that the whole of these papers should be printed. The several papers were ordered to lie on the table, and the recapitulation paper was ordered to be printed.—Mr. Manning presented a petition of several directors of the London Dock Company, setting forth, "that several acts were passed, in the 40th, 44th, and 45th years of his present majesty, for making wet docks, basons, cuts, and other works, for the greater accommodation and security of shipping, commerce, and revenue, within the port of London; and that the petitioners have made great progress in forming the docks, and in executing the other works by the said acts directed to be made; but the whole of the said intended works cannot be completed unless the petitioners shall be authorized to purchase certain houses, lands, and hereditaments contiguous to the present prescribed limits of the said docks, and which are wanted for the purpose of carrying the said acts fully into execution; and that the powers and provisions of the said acts have, in some respects, been found defective and insufficient, and it is necessary that the same should be altered and enlarged, and some further powers granted; and therefore praying, that leave may be given to bring in a bill for the purposes aforesaid." Ordered to be referred to a committee.—Mr. Wilberforce brought in a bill for enabling the justices in the West Riding of Yorkshire to erect court houses, &c.; which was read a first time.—Mr. Alexander brought up the report of the committee on the malt duty bill; the amendments were agreed to, and the bill was ordered to be read a third time to-morrow.—On the motion of sir C. Bunbury, a new writ was ordered to be issued for Suffolk, in the room of lord viscount Brome, now marquis Cornwallis.—Mr. Alexander brought up the report of the committee on the pension duty bill, which was agreed to, and the bill ordered to be read a third time to-morrow.—On the motion of Mr. Fellowes, the order made last session for a return of the resident and non-resident clergy was read, and the return was ordered to be made forthwith.—On the motion of Mr. Fox, new writs were ordered for the borough of St. Mawes, in the room of the right hon. W. Windham, who, since his election, had accepted the office of one of his majesty's principal secretaries of state; for the county of Northumberland, in the room of the right hon. C. Grey, who, since his election, had accepted the office of first commissioners for executing the office of lord high admiral of Great Britain; for Calne, in the room of lord Henry Petty, who, since his election, had accepted the offices of chancellor and under-treasurer of his majesty's exchequer.—Mr. Huskisson brought in the three bills, for which he yesterday obtained leave, granting annuities to lady Nelson, lord Collingwood, and sir R. Strachan. They were read a first time, and ordered to be read a second time to-morrow.—Mr. Fox gave notice, that to-morrow he would move to postpone to a future day the consideration of the petition, complaining of an undue election for the county of Middlesex.

[Auditorship of the Exchequer.] The house resolved itself into a committee upon the bill respecting the auditorship of the exchequer, Mr. Fox in the chair.

Mr. *C. Wynne* said, that in consequence of the suggestions of a right hon. gent. (the Attorney-General) on a former evening, he had to propose a clause, which he trusted would be perfectly satisfactory, and would serve to remove every objection that had been made to this bill. The nature of this clause, the hon. gent. described to be, that the auditor of the exchequer, upon accepting the office of one of the commissioners of the treasury, should appoint a trustee to hold the office of auditor, which trustee should be responsible to the auditor for the salary, and to the public for the due execution of the office.—Upon the clause being read,

The *Attorney-General* declared that this clause entirely removed the objections which he had yesterday stated, as arising in his mind against the bill.—This clause, with another, enacting, that any person accepting the situation of trustee, should not vacate his seat in the house, was then agreed to; the house was resumed, and Mr. Fox having brought up the report, it was received and agreed to, and the bill having been read a third time, was passed, under the title of a bill, empowering the auditor of his majesty's court of exchequer to constitute a trustee in the case therein mentioned; and Mr. Fox was ordered to carry it to the lords, which he did, accompanied by a number of the members.

HOUSE OF LORDS.
Thursday, February 6.

[MINUTES.] The bill for enabling the auditor of the exchequer to appoint a trustee to execute the duties of the office in the case therein mentioned, was read a second time.—Lord Auckland, after observing that there was an obvious necessity for passing this bill as speedily as possible, moved to suspend the standing orders 104 and 155, with the view of going through the different stages of the bill this evening. This motion being agreed to, the bill passed through a committee, was reported, read a third time, and passed, and a message ordered to be sent to the commons, to acquaint them therewith.

HOUSE OF COMMONS.
Thursday, February 6.

The Speaker counted the house at four o'clock, and there being only 38 members present, he declared the house adjourned till to-morrow.

HOUSE OF LORDS.
Friday, February 7.

[MINUTES.] The house met at 11 o'clock in the morning, when the royal assent was given by commission to the auditor of the exchequer's bill.—Their lordships then adjourned till five in the afternoon, at which hour they again met.—Lord Eldon observed, that several appeals stood over from the last session for judgment, to the consideration of which he had devoted as much time during the recess as his leisure would allow. He had intended, at the commencement of the session, to propose to their lordships to fix days for giving judgment on the appeals to which he had alluded, and his purpose in rising now was to give notice, that he should, about the middle of next week, move to appoint a time for pronouncing judgment in those appeals.—Mr. Alexander brought up the malt duty bill, and the pension, &c. duty bill, which were severally read a first time.

HOUSE OF COMMONS.
Friday, February 7.

[MINUTES.] This day, about 11 o'clock, the speaker took the chair. Immediately after prayers, Mr. Quarme appeared at the bar, and in virtue of his majesty's commission addressed to certain members of the upper house, required the attendance of the house of commons in the house of lords to hear the commission read, and the royal assent given to the bill therein mentioned. The speaker accordingly, attended by the officers of the house, went to the house of lords, and on his return informed the commons that he had been present, and heard his majesty's assent given by commission to the bill for empowering the auditor of exchequer to appoint a trustee to act for him in the event therein mentioned.—The house then adjourned till 3 o'clock, when they proceeded to ballot for a committee to try the merits of the petition complaining of an undue return for the county of Middlesex.—On the motion of Mr. Sheridan, the speaker issued his warrant to the clerk of the crown, for new writs for the city of Westminster, in the room of the right hon. Charles James Fox, who, since his election, had accepted of the office of one of his majesty's principal secretaries of state; for Buckinghamshire, in the room of earl Temple, who, since his election, had accepted of the office of joint paymaster of the forces; for Morpeth, in the room of lord viscount Morpeth, who, since his election, had accepted of the office of one of the commissioners for managing the affairs of India, with a salary; for Portsmouth, in the room of admiral Markham, who, since his election, had accepted of the situation of one of the commissioners for executing the office of lord high admiral of England; and for Tavistock, in Devonshire, in the room of the right hon. general Richard Fitzpatrick, who, since his election, had accepted of the office of secretary at war.—On the motion of Mr. Tyrwhitt, the speaker issued his warrant to the clerk of the crown for a new writ for Portsmouth, in the room of the right hon. Thomas Erskine, who, since his election, had accepted of the office of lord high chancellor of England.—On the motion of Mr. C. W. W. Wynne, a new writ was ordered to be issued for Okehampton, in the room of lord viscount Althorpe, who, since his election, had accepted of the situation of one of the commissioners for executing the office of lord high admiral.—On the motion of Mr. Hobhouse, the speaker directed his warrant to be issued for a new writ for Harwich, in the room of the right hon. John Hiley Addington, who, since his election, had accepted of the office of one of the commissioners for the affairs of India, with a salary.—Lady Nelson's, lord Collingwood's, and sir R. Strachan's annuity bills were read a second time, and ordered to be committed.

HOUSE OF LORDS.

Monday, February 10.

[MINUTES.] The new lord chancellor, the right hon. Thomas lord Erskine, was introduced (holding the seals in his hand) between lord Holland and the earl of Moira, preceded by the duke of Norfolk, earl Marshal, and attended by garter king at arms. His patent of creation having been read at the table, and the oaths administered, lord Erskine took his seat as a baron, and afterwards as speaker on the woolsack, when he delivered the seals to his pursebearer.—The house then adjourned during pleasure, that the lord chancellor might unrobe. In a few minutes his lordship returned, and the house being resumed, the malt duty bill, and the pension, &c. duty bill severally passed through committees, and were reported.

HOUSE OF COMMONS.

Monday, February 10.

[MINUTES.] Sir Jacob Astley presented a petition from the debtors in the county jail of Norfolk, praying for relief. Ordered to lie on the table.—Mr. Corry brought up the report of the committee appointed to try the merits of the petition relative to the Middlesex election. The report was, that the committee had decided that sir Francis Burdett was not duly elected, and that George Boulton Mainwaring was duly elected. He therefore moved, that the return should be amended, by erasing the name of sir Francis Burdett, and inserting that of G. Boulton Mainwaring. Ordered.—A new writ was directed to be issued for the election of a burgess to serve in parliament for the borough of Newark upon Trent, in the room of sir Charles Maurice Pole, who had accepted the place of one of the commissioners for executing the office of lord high admiral.—On the motion of Mr. Creevey, a new writ was directed to be issued for the election of a knight of the shire for the county of Surrey, in the room of lord William Russell, who had accepted the place of one of the commissioners for executing the office of lord high admiral.—A new writ was ordered to be issued for the election of a member for Tavistock, in the room of lord Robert Spencer, who had accepted the stewardship of the Chiltern Hundreds.—A new writ was ordered to be issued for the election of a member to serve for Ryegate, in the room of the hon. John Somers Cocks, now lord Somers, called to the house of peers.—A person from the Bank presented an account of the unclaimed dividends due on the 10th of Oct. 1802, and unpaid on the 23d of March, 1805.—Mr. Vansittart moved, "That there be laid before this house, an account of the net produce of all the permanent taxes and of the war taxes in Great Britain for the years ending the 5th of Jan. 1805, and the 5th of Jan. 1806, respectively, distinguishing each quarter.

[COMMITTEE OF WAYS AND MEANS.] The house resolved itself into a committee of ways and means, in which

Mr. *Vansittart* moved, according to the notice he gave on Friday, for a grant of five million to be raised by exchequer bills. He said, it was with great satisfaction he assured the house, that such was the state of exchequer bills now in the market, that the present intended issue would not in the least detriment those now outstanding; as these bills were intended to be made payable four months after date, and might be taken up either from the next loan, or by other exchequer bills, as should be found most convenient, when the chancellor of the exchequer should bring forward the general estimates for the present year's expenditure. This was no more than a mere temporary accommodation, to enable the present government to carry on the public business, and make the necessary payments to the end of the present quarter.—The resolution was agreed to, the house resumed, and the report was ordered to be received to-morrow.

[Witness's Indemnity Bill.] Mr. *Whitbread* rose in pursuance of his notice on Friday last, to move for leave to bring in a bill to indemnify all such persons as should be required to give evidence on the impeachment of lord Melville, and who had served under him at any time, in the Navy Pay Office. He would state the reasons briefly which obliged him to originate this measure this year, though he was aware that they must, in some degree, be in the recollection of the house. Several lawyers had given it as their opinion, that many of the questions which Mr. Trotter might be required to answer, would, if answered, fairly expose him to the dangers of prosecution. In order to obviate this difficulty, a bill was last year brought in to indemnify Mr. Trotter, and such persons as should be required to give evidence in the case of lord Melville, against the consequences of any criminal prosecution. The hon. baronet over the way (sir W. Elford) had then moved, that the indemnity should extend to civil as well as criminal prosecutions, in order to have the witnesses free from any bias whatever. This proposition of his had been agreed to, and the bill, thus amended, sent to the lords. Some difficulties had arisen in the lords upon the subject, in consequence of which the indemnity, as to civil suits, had been struck out, and the bill passed in this state; the question, however, respecting these civil suits, had been referred to the judges, who were directed to give their opinions within three weeks. The bill had been rejected in the commons, in consequence of the lords' amendments, and he had brought in another, extending to criminal prosecution only, which had passed, and received the royal sanction. In the mean time the three weeks had expired, and the judges had given no opinion; and now, in fact, there was no question before them. In consequence of different events which had lately taken place, he had refrained from coming to the house sooner upon this business; but, however, as this delay had taken place, he must beg that the bill might be carried forward with all possible speed, that it might be carried to the other house, and that the opinions of the judges might be taken, before they proceeded on the circuit. This was the more requisite, as every thing that had come under their observation proved that the evidence of Mr. Trotter was indispensably necessary. It might be proper to say a few words relative to the situation in which the committee stood. They had proceeded in the task assigned them with scarcely the intermission of a day; but it would be recollected that they had been obliged to carry on a long and laborious investigation of a number of voluminous documents, public and private, and to search them very minutely, in order to establish the articles which they had already preferred; and that they had been under the necessity of examining a variety of witnesses, many of them from distant parts of the island, especially from the north. He hoped, however, that the committee would soon be enabled to complete the business, as far as the house had hitherto proceeded. He thought it right to state, that it was intended to present a special report to the house, respecting certain circumstances that had come to their knowledge since they had entered upon their labours as a committee, with a view to lay the foundation for a fresh article or two of impeachment against lord Melville. This he said, in order to give the house all proper information respecting their proceedings, and to prevent any person from saying hereafter that he was taken by surprize. At the same time, though the grounds of the report were settled, and the report itself almost ready to be presented, it was still thought proper to withhold it till Mr. Trotter could be examined. The hon. gent. concluded by moving for leave to bring in a bill "to indemnify persons who shall give evidence against Henry lord viscount Melville, towards or upon the impeachment voted against him by the commons of the united kingdom of Great Britain and Ireland, in parliament assembled, in respect of acts done by such persons in any office or employment held by them under the said lord viscount Melville, during the time he held and enjoyed the office of treasurer of his majesty's navy."

Sir *W. Elford* observed, that the object of the bill now moved for, seemed to be exactly the same with that which he had thought necessary to suggest last year. His view was to render the witnesses free from all bias whatever, either on one side or the other, and this, in his opinion, was not to be effected without removing all fear of a liability to any danger from any thing they might disclose either by a criminal prosecution, or a civil suit. Being of this opinion, he had, of course, suggested the amendment which had been carried in this house. The judges had certainly given no opinion, and in fact had refused to give an opinion on a question put to them on such a broad basis. But, however, he hoped, that the witnesses would be free from all bias, so that every chance of justice might remain both for the individual and the public. With this object in view, he could have no objection to the bill being brought in, and as the principle had already been recognised by the house, he saw no reason why it should not be suffered to proceed with all the requisite dispatch.—The question was then put, and leave given. After which Mr. Whitbread brought in the bill, which was read a first and second time, committed, reported, and ordered to be read a third time to-morrow.

HOUSE OF LORDS.

Tuesday, February 11.

[Minutes.] Lord Somers was sworn, and took his seat, on acceding to the peerage, on the demise of his father, the late lord.—The malt, and place and pension duty bills were severally read a third time, and passed, and messages ordered to acquaint the commons therewith.—Mr. Graham from the inspector of convicts, presented at the bar the annual accounts of the state of the convicts on the River Thames, and at Portsmouth; which were odered to lie on the table.

HOUSE OF COMMONS.

Tuesday, February 11.

[Minutes.] A message from the lords communicated their lordships' assent to the malt duty bill, and the pensions, sugar, tobacco, and snuff duty bills.—On the motion of lord Folkestone, the account on the table, stating the progress made by the commissioners for reducing the national debt for the year ending the 31st of Jan. last, was ordered to be printed.—Mr. Alexander brought up the report of the committee of ways and means. The resolution for an issue of five millions of exchequer bills was read and agreed to, and a bill ordered.—Mr. Tierney rose to revive a notice, which he had submitted to the house above two years ago. He said, that he should on this day three weeks move for leave to bring in a bill for the purpose of removing all doubts with respect to the law which applied to the treating at elections. The reason which urged him so long to delay bringing this subject before the house, the right hon. gent. stated to be, that ever since he had given notice, a number of election petitions had been generally before the house, which in most cases involved this question.—New writs were ordered for Wilton, in the room of lord viscount Fitzwilliam, who had accepted the stewardship of the manor of East Hendred; and for Haverfordwest, in the room of lord Kensington, who had been appointed one of the commissioners for executing the office of lord high admiral.—Mr. Vansittart moved, 1. "That there be laid before this house, an account of the number of vessels, with the amount of their tonnage, and the value (official and computed) of their cargoes, which entered inwards, and cleared outwards, in the several ports on the West coast of Great Britain, from Liverpool inclusive to the northward, from or to any part of the continent of Europe situate northward or north-eastward of Holland, and also from or to any ports on the east coast of Great Britain, from Lynn Regis, in Norfolk, inclusive, to the northward, for five years, ending the 5th of Jan. 1793, and for five years, ending the 5th day of Jan. 1806." 2. "An account of the number of vessels, with the amount of their tonnage, and the value (official and computed) of their cargoes, which entered inwards, and cleared outwards, in the several northern ports of Ireland, including Dublin and Sligo, from or to any part of the continent of Europe, situate northward or north-eastward of Holland; and also from or to any ports on the east coast of Great Britain, from Lynn Regis, in Norfolk, inclusive, to the northward, for five years, ending the 5th of Jan. 1793, and for five years, ending the 5th of Jan. 1806." Ordered. — Mr. O'Hara moved, "that there be laid before this house, an account of the totals of the imports and exports of Great Britain, according to their real value, for the years ending 5th Jan. 1800, 1, 2, 3, 4, 5, and 6, respectively, so as to ascertain the balance of each year." Ordered; as was also a similar account for Ireland.

[Affairs of India.] Lord *Folkestone* adverted to the notice which had been given by an hon. gent. near him (Mr. Paull) with respect to the affairs of India, and to the several papers which that hon. gent. had moved for preparatory to his intended motion. But in addition to the papers on the table, and those ordered to be laid before the house, the noble lord thought the following essentially necessary to a thorough investigation and full understanding of the subject to which they referred; he should therefore move, 1. "That there be laid before this house, a return of the officers, non-commissioned officers, privates and recruits belonging to his majesty's service, which have been embarked for the East-Indies, from June 1793, to the last embarkation; and of those who have returned to Great Britain, distinguishing each year." 2. "A return of the cadets and recruits entered and enlisted for the service of the East-India company, who have been embarked for the several presidencies in India, from June 1793, to the last embarkation, and of those who have returned to Great Britain, distinguishing each year." Ordered.

Mr. *Paull* moved, for an account of the quantity of specie and bullion which had been exported to the several presidencies in India, since the year 1797; and also an account, of the bills of exchange drawn from those presidencies, distinguishing the amount to and from each presidency, and also each year.

The *Speaker* suggested to the consideration of the hon. gent. whether it would not be more regular to give notice of a motion of this nature, particularly in the thin state of the house; because if, hereafter, there should be any objection to the production of such an account, another specific motion must be made to expunge the order. The right hon. gent. thought it his duty to submit this remark to the hon. gent., leaving it to his own discretion to determine upon what course to pursue.—In consequence of this suggestion, Mr. Paull gave notice of his motion for to-morrow.

[Lord Collingwood's Annuity Bill.] Mr. *Alexander* brought up the report of lady Nelson's annuity bill, which was agreed to, and the bill was ordered to be read a third time to-morrow.—Upon the report of lord Collingwood's annuity bill being brought up,

Lord *Castlereagh* said, that as he was the person who presented his majesty's message upon this subject, he thought it his duty to state, for the consideration of the house, certain circumstances which had come to the knowledge of the late administration, since this message was recommended. These circumstances were of such a nature as strongly to urge the propriety of reconsidering the limitations contained in the bill before the house. Although he did not feel himself entitled to expect that any suggestion of his would be much attended to by his majesty's present ministers, yet upon this occasion he could not suppose that the grounds upon which his suggestion rested, could fail to interest their consideration. According to the limitations in the bill before the house, the succession to the annuity was settled upon the two next male heirs of lord Collingwood. But it appeared that this noble lord had no male children, his family consisting merely of lady Collingwood and two daughters; who, in the event of that gallant officer's death, were likely to be exposed to a state of distress, which, no doubt, it would be the most anxious wish of that house and the country to prevent. With a view then to guard against such consequences, and to afford an opportunity of arranging more suitable provision for the family of lord Collingwood, it was his wish to suspend the progress of this bill for some time. He therefore moved that the report be taken into consideration on this day se'nnight.

Mr. *Spencer Stanhope*, who stated that he had long had the honour of being acquainted with lord Collingwood and his family, recommended that, instead of the limitations at present in the bill, it should be arranged thus; that in case of the death of that meritorious officer, 1000*l.* a year of the proposed annuity should descend to his widow, and 500*l.* per year to each of his daughters, to be held by them during their lives. This plan would be infinitely more suitable than that which the bill contained, as lord Collingwood was not likely to have any more children; and sure he was that it would be much more agreeable to the family of that noble lord, and of course to the feelings of that noble lord himself. It would serve to relieve much of that anxiety which must naturally arise in the breast of a parent who is daily exposed to death in his country's cause, and who must be sorely afflicted by the idea that his death would leave his family with a very limited provision. Parliament, the hon. member had no doubt, would be happy and prompt to release the feelings of that noble lord from such an afflicting prospect.

Mr. *Vansittart* felt the utmost satisfaction in acceding to the proposition of the noble lord, and he had not the least doubt that the object to which it referred would meet with the fullest attention from his majesty's present ministers. They would of course not fail to take care that the family of an officer who deserved so well of his country should not be left without an adequate provision; and with that view it would certainly be necessary to provide, that, in failure of male issue, the proposed annuity should devolve on the other branches of the noble lord's family.

Admiral *Harvey* observed, that it was no affair of his to consider with what the annuity mentioned in the bill originated; but it was to him an object of the most serious solicitude, that such merit as that of lord Collingwood should not go unrewarded, or that the family of such a man should not be left unprovided for. That the latter was likely to be the case, if the house should not reconsider the bill under discussion, he very much feared was but too true.—The motion was then put and agreed to.

HOUSE OF LORDS.

Wednesday, February 12.

[Minutes.] The royal assent was given, by commission, to the malt tax, and place and pension duty bills, and to the bill for naturalizing John de Rickholme.—Mr. Whitbread brought up from the commons a bill to indemnify all persons serving under Henry lord Melville, while treasurer of his majesty's navy, from and against all civil processes, to which they may be liable in consequence of the evidence they may give in the case of the impeachment pending against the said lord Melville.—Lord Holland moved the first reading of the bill; which being done accordingly, his lordship moved, that the said bill be printed.

HOUSE OF COMMONS.

Wednesday, February 12.

[Minutes.] Lord Henry Petty was sworn, and took his seat, on his election to represent the university of Cambridge.—Mr. Johnson from the office of chief secretary for Ireland, presented a return of the sums received and disbursed by the commissioners of accounts for Ireland, in the year ending 5th Jan. 1806. As also several other papers; among which were certain returns from the county magistrates. This last was ordered to be printed, on the motion of sir J. Newport, who stated that it was very material to the people of Ireland, that the information it contained should be as fully as possible before the house.—Mr. J. Fitzgerald obtained leave to bring in a bill to facilitate the division of lands subject to ascertained right of common in Ireland.—On the motion of Mr. J. Fitzgerald, it was ordered, that there be laid before the house, copies of the certificates of the lord chief justice of the king's bench, the chief justice of the court of common pleas, and the master of the rolls, in Ireland, as to the amount of the fees of the different offices held by patent in their respective departments.—The bill for indemnifying from civil suits certain persons giving evidence against lord Melville, was read a third time and passed.—Mr. Paull moved, "that a return of the specie and bullion exported by the hon. the directors of the East-India company to the several presidencies in India, from 1793, to Sept. last, be laid before the house." Before the question was put, Mr. Vansittart said he must appeal to the hon. gent.'s candour, to postpone his motion for the present, as a right hon. friend of his, not now in the house, but who would be there in the course of a few days, had expressed a wish to be present when the motion was made. Mr Paull acquiesced in the delay, and the motion was, with the leave of the house, withdrawn.—On the motion of Mr Brooke it was ordered that there be laid before this house, an "account of the several contracts for spirits, and the prices at which they were made, entered into by the commissioners of his majesty's victualling board for the supply of the royal navy, from 5th July 1803, to 5th Jan. 1806, distinguishing the quantities of foreign brandy or British plantation rum delivered, and the respective ports of delivery."—Mr. Vansittart brought up the 5 million exchequer bills bill, which was read a first time.

HOUSE OF LORDS.

Thursday, February 13.

[Witnesses' Indemnity Bill.] Lord *Holland* moved that the witnesses' indemnity bill should be read a second time on Monday, and that the lords be summoned.

Lord *Hawkesbury* said he did not mean to oppose the motion made by his noble friend, he only wished to call the attention of the house to this bill, the object of which, it would be recollected by their lordships, made part of a bill which was before the house last session, and which went to indemnify persons giving evidence on the impeachment of lord Melville, from both criminal prosecutions and civil process, in consequence of such evidence. Some doubts, however, then arose with respect to the indemnification from civil process, and only the indemnity from criminal prosecutions was agreed to. With respect to the civil indemnity, certain questions were referred to the judges, with a view of ascertaining whether persons were legally justified in refusing to answer questions, the result of which might subject them to a civil suit. Their lordships were aware that, a prorogation having intervened, the judges did not conceive that there were any questions now regularly before them to which they were called upon to give an answer. The subject, however, which was involved in those questions, he considered to be of importance, and he suggested whether it would not now be advisable to refer similar questions to the judges, for the opinion of that learned body, before they proceeded upon the bill?

Lord *Holland* said, he did not object to the proceeding proposed by the noble lord; but, as there was an obvious necessity that their lordships should either pass or reject the bill now before them without loss of time, his noble friend would also be aware of the necessity of having the opinions of the judges as speedily as possible. The earliest day that could be named would, he conceived, be the most advisable to be appointed for the attendance of the judges, in order that their lordships might, without delay, proceed upon the bill, and either agree to its provisions, or finally reject it. After a few words interchanged between lords Hawkesbury and Holland, respecting the time to be appointed, it was ordered, that the judges should attend on Monday, for the purpose of then referring to them certain questions.

HOUSE OF COMMONS.

Thursday, February 13.

[MINUTES.] Mr. J. Pym and Mr. G. B. Mainwaring, took the oaths and their seats for the counties of Bedford and Middlesex.—On the motion of Mr. Hurst, a new writ was ordered for Steyning, in Sussex, in the room of lord Ossulston, who, since his election, had accepted of the office of treasurer of his majesty's household.—On the motion of Mr. L. Dundas, a new writ was ordered for Richmond in Yorkshire, in the room of the hon. G. H. L. Dundas, who, since his election, had accepted of the office of steward of the Chiltern Hundreds.—On the motion of Mr. Vansittart, a new writ was ordered to be issued for Cashell, in Ireland, in the room of the right hon. W. Wickham, appointed one of the lords of the treasury; and for Wareham, in Dorsetshire, in the room of J. Calcraft, esq. appointed clerk to the board of ordnance.—On the motion of Mr. Creevey, the name of lord H. Petty was added to the committee for managing the impeachment against lord viscount Melville.

[WOOLLEN WEAVERS' PETITION.] Admiral *Berkeley* presented a petition of several woollen weavers, resident in or near the clothing towns and villages in the county of Gloucester, setting forth, "that the petitioners have for several years past suffered great hardships and distress, owing to certain master clothiers having, for their own emolument, violated those laws which parliament has from time to time enacted for the preservation and prosperity of the woollen manufacture, and for the due protection of the persons employed therein; and that the said laws have been so violated, under the pretence of their being obsolete; and that the said master clothiers, after their repeated applications to parliament for an indiscriminate suspension or repeal of nearly the whole code of existing laws had failed, at length, at the close of the session, in the month of July 1803, obtained a bill for suspending the said laws until the first day of July following, under, as the petitioners were informed and believe, a solemn pledge and assurance, that they would come forward early in the ensuing session with a bill for a general revision and regulation of the said laws, and owing to which assurance the petitioners forbore from opposing the said bill of suspension; and that from that period up to the present time the said master clothiers have not come forward with any bill of revision or regulation whatever, but have, during each succeeding session, waited till near its close, and then urged the want of time for investigation as a ground for their soliciting a further bill of suspension; and that during this protracted suspension of the laws, the petitioners have been the afflicted spectators of their daily violation by the master clothiers, who have been making fortunes to themselves at the expense of those privileges, and of that employment, which parliament has held out and guaranteed to the petitioners as a reward for long and faithful services, and by such practices injurious to the ultimate reputation of the fabric; and that, under these circumstances, the petitioners pray that their case may be taken into speedy consideration, and that such relief may be afforded to them as to the house shall seem meet."—Ordered to lie upon the table.

HOUSE OF COMMONS.

Friday, February 14.

[MINUTES.] Mr. J. Latouche presented a petition from the debtors confined in the Marshalsea prison of Dublin, which was ordered to lie on the table.—Mr. Paull gave notice, that on Wednesday next he would make his motion for a return of the bullion, bills of exchequer, &c. exported to India, by which exportation several acts of the present king had been violated.—The exchequer bills bill went through a committee.—On the motion of Mr. Walpole, a new writ was ordered for the city of Litchfield, in the room of Thomas Anson, esq. now lord Anson.—On the motion of Mr. Hurst, a new writ was ordered for the borough of Steyning, in the room of James Martin Lloyd, esq. who, since his election, had accepted the office of steward of his majesty's Chiltern Hundreds.

HOUSE OF COMMONS.

Saturday, February 15.

[MINUTES.] Mr. alderman Combe brought up a petition from the prisoners confined for debt in the gaol of Ludgate, praying relief; which was ordered to lie on the table.—Mr. Alexander brought up the report on the bill for raising 5 millions by exchequer bills. The amendments were read, and agreed to, and the bill ordered to be read a third time on Monday, if then engrossed.

HOUSE OF LORDS.

Monday, February 17.

[WITNESSES' INDEMNITY BILL.] On the order of the day being read for the second reading of this bill, and for the attendance of the judges, who were all present,

Lord *Eldon* adverted to the bill which was before the house last session, and which embraced the same object as the bill now under their consideration. He at that time called the serious attention of their lordships to the bill, which he considered to be in the nature of an *ex post facto* law, and he then proposed certain questions to be put to the judges, in order that there might be a clear understanding, as to the nature of the law upon the subject. He now rose to propose, that similar questions should be put to the judges, with the same view. He could not help, however, observing, that the principle attempted to be established by the present bill, was one which demanded the most serious consideration of their lordships; was one, for not guarding against the introduction of which they might deserve the reproaches of posterity. The bill expressed doubts as to the liability of a witness to answer a question, the answer to which might involve him in a civil suit, he could only say, that he had been 30 years in the profession of the law, as counsel, and in a judicial character, and it was the first time he had heard that there was any doubt upon the subject, although he was aware, that upon this point a high legal authority was against him. He wished, however, their lordships to be fully aware of the nature of the bill, which went, as it might happen, to give persons sums of money (for it was the same thing, whether the money was actually given, or whether they were freed from any process, for a sum of money claimed by the public) for giving evidence at their lordships' bar, and not only were such persons, on that account, discharged from any process on account of debts due to the crown, but from any process on account of debts due by them to individuals, according to the words of the act, "any other person or persons." He saw so many objections to the bill, that he could not help recurring to the admirable speech of lord Hardwicke, upon a bill of a similar nature, which was before the house in the year 1742, and to which he had referred last sessions, when that great man concluded his speech by observing, that he would much rather be the object of such a bill, than the author of it. His lordship concluded by moving to refer to the judges for their opinion, three questions, varying in terms, the object of which was to ascertain, whether, according to law, a witness had a right to demur to the answering any question, relevant to the subject under investigation, the answer to which might tend to acknowledge a debt recoverable by civil process? or which might render him liable to civil process generally? or which might render him liable to civil process at the suit of the crown, for the profits of any public money converted to his own use?

Lord *Holland* said, he should not now comment upon the objections made to the bill by the noble and learned lord, as this was not the proper time for discussing the bill. He could not help, however, observing upon one point urged by the noble and learned lord, in which he thought the noble and learned lord was not borne out by the words of the bill. He did not conceive that there was any provision in the bill which could authorize the construction, that a witness giving evidence under the sanction of its provisions would be therby exonerated not merely from civil process on account of the application of public money, but also on account of debts due from such witness to private individuals. On the contrary, he conceived the bill to apply solely in its enactments, as it certainly did in intention, to the discharging such witness from process on account of public money.

Lord *Eldon* admitted that the bill did not apply to merely private debts. He, however, wished to put the case of transactions arising originally out of the employment of public money, becoming so far transactions between individuals as to give rise to debts which could only be a subject of contention between those individuals by whom and to whom they were contracted.—After some further explanation between lord Eldon and lord Holland, the questions were referred to the judges, who requested time till Thursday se'nnight to consider of them.

Lord *Holland* expressed a wish that an earlier day might be appointed for the judges to deliver their opinion, which he thought would be practicable, as questions similar to the present were referred to the learned judges last session.

The *Lord Chancellor* (Erskine) said, that the delay asked by the judges was, he conceived, no more than ought fairly to be allowed, considering the variety of avocations by which their time would in the mean while be occupied. The sessions at the Old Bailey would intervene, which would necessarily employ the time of some of the learned judges and, upon questions of such importance as these, they would naturally wish to deliberate upon them when all of them were present. He said this merely to shew that it was the other avocations of the judges which prevented an earlier day from being fixed.—It was then ordered, that the judges should attend on Thursday se'nnight, to which day the second reading of the bill was postponed, and the lords ordered to be summoned for that day.

Lord *Eldon*, adverting again to the importance of the law considerations which the bill gave rise to, intimated the probability, that upon further turning over the subject in his mind, he should feel it incumbent on him to move for a committee to search for precedents. In case such should be his determination, he proposed to give notice of it to-morrow, and to move it on the subsequent day.

HOUSE OF COMMONS.

Monday, February 17.

[MINUTES.] On the motion of Mr. Francis, a new writ was ordered for Appleby, in the room of Mr. Courtenay, who has been appointed one of the lords of the treasury.—A new writ was ordered, on the motion of Mr. Pole Carew, for Worcester, in the room of Wm. Lygon, esq. now lord Beauchamp.—Mr. Fox was introduced by lord Henry Petty and Mr. Whitbread, and took the oaths and his seat.—Sir P. Stevens presented, pursuant to order, an account of the contracts for spirits, with the terms, &c. from 5th July 1803, to 5th Jan. 1806.—A bill for erecting a workhouse, and making certain arrangements with respect to the poor in the parish of St. Sepulchre, was brought in by sir J. Anderson, and read a first time.—Mr. Lee moved, "that there be laid before this house, an account of the number of writs issued out of the courts of King's Bench and common Pleas, in Ireland, for the last 4 years, commencing the 1st day of Michaelmas term 1801, and distinguishing the numbers issued out of each court during each year." Ordered.—Lord H. Petty gave notice, that he would, to-morrow, move that the house do adjourn to Monday next; and also, that on that day he should move for a revival of the committee for investigating the joint account between great Britain and Ireland.—Dr. Duigenan moved for leave to bring in a bill for enforcing the residence of spiritual persons on their benefices in Ireland. Ordered.—The 5 millions exchequer bills bill was read a third time, passed, and sent to the lords.—The bill for ascertaining the population of Ireland was brought in by Mr. Fitzgerald, read a first time, and ordered to be read a second time on the 3d of April, and to be printed. —A bill for more easily obtaining the partition or inclosure of land in Ireland, was brought in by the same right hon. gent. and read a first time.

[UNION WITH IRELAND.] Mr. *Alexander* availed himself of the appearance of a right hon. gent. in his place (Mr. Secretary Fox) to put a question to him on a subject, which he looked upon as deeply interesting to the empire. In a late debate (see p. 128,) that right hon. gent. had expressed some opinions respecting the Union with Ireland, which had excited a considerable sensation, and given rise to much agitation in different parts of the empire. The request, therefore, that he had to make to that right hon. gent. was, that he would distinctly state the tenor of those opinions, so far as they might lead to any practical result, with a view to put an end to the agitations which they had already excited.

The *Speaker* felt it to be his duty to remind the house, that, for any member to put a question to another, with reference to any expressions that might have been used by him in a former debate, was wholly irregular and inconsistent with the received practice of that house. It would, however, rest with any hon. member to use his own discretion how far he should deviate from the received usage, and comply with such an irregular proceeding.

Mr. *Alexander* was fully aware of the irregularity of his application, and therefore pressed for an explanation, as a particular favour, rather than as a right, with a view to quiet the apprehensions which appeared to have been excited.

Mr. Secretary *Fox* then rose and observed, that he had many apologies to make to the house for saying any thing on the subject. The words which the hon. member had alluded to, as having been used by him on a former night, applied particularly to the question then under the consideration of the house, and so far as they referred to that, appeared to him sufficiently clear and explicit. He had felt himself bound to express himself in that manner, to prevent any misunderstanding, because a very respectable member of that house had said, that he could not consent to the motion then under discussion, for voting posthumous honours to marquis Cornwallis, as he could never approve of the measure of the Union, which had been effected by that nobleman. He agreed himself with that respectable member as to the measure of the Union, though he differed from him, as to the effect of his supporting the motion, which he had clearly evinced by his vote for the honours to be paid to the memory of the noble marquis. But he had at the same time begged of the house clearly to understand, that by voting in that manner, he by no means expressed any approbation of the principle of the measure of the Union, or of the manner in which it had been conducted. His opinion on that subject remained the same as it had been, and he saw no reason to look to any alteration of it; at least, he had yet not heard any thing to make him alter it. But he had not on the occasion alluded to, expressed one word prospectively. His observations applied purely to the measure as it arose, and to the manner in which it had been conducted. But it did not follow, that, because a man had felt that a particular measure, and more especially the manner in which that measure had been conducted, had been exceptionable, he was therefore bound to undo it. There are, said the right. hon. gent., many measures which may originally have been bad, and yet cannot be remedied by a repeal of them; and if ever there was a measure, the enactment of which is not connected with its repeal, it is precisely this measure of an incorporate Union. For, however objectionable the manner under all the circumstances under which it was carried, it is impossible to remedy any objections which might have originally existed against it, by its repeal.

Mr. *Alexander* declared himself fully satisfied with the explanation of the right hon. gent. and again disavowed any other object than that of setting the public mind at rest on the subject.

HOUSE OF LORDS.

Tuesday, February 18.

[MINUTES.] Lord Eldon gave notice, that he should, on Monday next, move for the appointment of a committee to search for, and to report precedents of, the practice and proceedings of that house, in cases of indemnity bills with respect to witnesses in the prosecution of impeachments.—Lady

Nelson's and sir R. Strachan's annuity bills were severally read a third time, and passed.—Mr. Alexander brought up from the commons the bill for granting to his majesty the sum of five millions, by way of exchequer bills, &c.; which was read a first time.

HOUSE OF COMMONS.

Tuesday, February 18.

[Minutes.] Lord G. Cavendish moved for a new writ for the borough of Knaresborough, in the room of lord John Townshend, who had accepted the office of joint paymaster of his majesty's forces.—Mr. Creevey moved for a new writ for the borough of Aldeburgh, in the room of Mr. John M'Mahon, esq. who had accepted the office of chief storekeeper of his majesty's ordnance.—Mr. Vansittart moved for a new writ for the city of Waterford, in the room of Sir John Newport, bart. who had accepted the Chiltern Hundreds; and Mr. Whitbread moved for a new writ for Stafford, in the room of the right hon. R. B. Sheridan, who had accepted the office of treasurer of the navy; which were severally ordered accordingly.—Ordered, that the right rev. Robert Allott, dean of Raphoe, be requested to preach before this house, at St. Margaret's church, Westminster, on Wednesday, the 26th instant, being the day appointed by his majesty for a general fast in this kingdom.—Lord Henry Petty moved, that this house, on its rising, do adjourn to Monday. Mr. Spencer Stanhope said, that before the question was put, he would beg leave to ask the noble lord for an answer as to a single fact, which he would state without any comment whatever; and that was, whether lord Ellenborough, who is one of the privy council, was also allowed to sit and vote in that department of the executive government, which was in common called the Cabinet Council? Lord H. Petty said, he had no hesitation in answering the question of the hon. gentleman, and to inform him and the house, that the noble and learned lord he had named as being one of the privy council, had also been summoned to, and had attended more than once, the sittings of what was commonly called the Cabinet council.

[Petition against the Additional Force Bill.] A petition of the noblemen, and the humble petition of others the vestrymen of the parish of St. Mary-la-bonne, in the county of Middlesex, was presented to the house, setting forth, "that the number of men required to be raised in the said parish, under the provisions of an act of the 44th of his present majesty, intituled, an act for establishing and maintaining a permanent additional force for the defence of the realm, and to provide for augmenting his majesty's regular forces, and for the gradual reduction of the militia of England, amounted to 225; and, notwithstanding every endeavour had been made by the select vestry, churchwardens, overseers of the poor, and other official servants, it had been found impossible to procure a single man in the manner and upon the terms prescribed by the said act; and that the said parish had therefore become liable to the several fines imposed by the said act, and had consequently, on the 23d day of Aug. last, been assessed in the enormous sum of 4,500*l.* in respect of such deficiency, which, for the reason before given in, was not possible to avoid; and that the sum of 2000*l.* had been paid to the treasurer of the county of Middlesex on account of the said penalties; and the petitioners have not been informed, nor do they believe that, since the said assessment, a man has been carried to the account of the said parish by the recruiting officer of the district in which the said parish is situate; and that, as the said act seems to have failed in its intended object in every respect, and to impose very heavy penalties upon persons without the possibility of their avoiding the same, the petitioners pray that the said act may be repealed."—Ordered to lie upon the table.

HOUSE OF LORDS.

Monday, February 24.

[Conduct of Judge Fox.] Lord *Eldon*, on perceiving a noble marquis in his place, rose, and called the attention of the house generally to the situation in which the case of the above judicial character stood before their lordships. The affair was one, in every point of view, public as well as private, of the highest importance, and it was highly proper that the house should come to some determination upon the case. He therefore requested to know of that noble marquis, whether he intended to move for any proceeding relative to the attendance or examination of witnesses in the case of Mr. justice Fox?

The Marquis of *Abercorn* said, it must

be in the recollection of several of their lordships, that so early as on the first day of the session, he had called the attention of the house to the business alluded to. It was his wish, that as little delay as possible should take place with respect to the proceedings upon the case. The spring assizes in Ireland were to take place this year somewhat earlier than they did last year, in which case their attendance in London might be proportionably earlier, a week or ten days at least. It was his intention to move, that certain witnesses be ordered to attend on the 28th of April. His lordship presented a list of a number of witnesses, who, he regularly moved, should be ordered to attend at the bar of that house on the 28th day of April next.—As the lord chancellor was reading the motion,

Lord *Grenville* entered the house, and, on the question being put, his lordship rose, and observed, he spoke under the disadvantage of not having heard what transpired on the subject previous to the motion; but it struck him most forcibly, that, on a subject of such great and various importance as that which the case of Mr. justice Fox involved, some time should be allowed, not only as it respected himself, but other noble lords, who wished to deliver their opinions, for the consideration of the subject. He was then quite unprepared to give a decided opinion as to what was proposed. He submitted, therefore, whether it would not be better to withdraw the motion? but, shortly after, he moved that the farther consideration of this motion be adjourned to this day se'nnight.—This, on the question being so put, was agreed to by their lordships.

[Earl St. Vincent.] Lord *Grenville* presented a message from his majesty, purporting that, by the act of parliament for granting an annuity to the earl of St. Vincent, that annuity was limited to the two next heirs male of his body, and desiring the house to take the further extension of the same into their consideration.—The message having been read, lord Hawkesbury asked, across the table, if any motion was intended? Lord Grenville answered in the affirmative, and observed that, in granting the annuity to lord St. Vincent, it had been originally intended, as was usual in similar cases, to extend the grant to the two next successors to the title. It happened, however, that, by the enacting words of the act, the annuity was limited to the two next heirs male of the body of lord St. Vincent. The present message, therefore, had not for its object to confer any additional mark of royal favour on lord St. Vincent, but merely to carry into effect what was undoubtedly the original intent of the act to which he had alluded. A bill to this effect would, in due time, come before the house, when their lordships would have an opportunity of considering the subject. He concluded, by moving, in the usual form, an address to his majesty, in answer to his majesty's most gracious message, which was agreed to.

[Lord Ellenborough's Seat in the Cabinet.] The Earl of *Bristol*, on seeing the noble lord at the head of the treasury in his place, rose, and, in a very low tone of voice, addressed a few observations to his lordship; the purport of these appeared to be, a wish from the noble earl to be informed respecting a point which, he conceived, had made a deep impression on the public mind, and which was certainly a topic of great constitutional importance. He alluded to what was generally stated, that the present lord chief justice of the king's bench constituted one of his majesty's cabinet ministers. He begged an answer from the noble lord as to the fact.

Lord *Grenville* said, he felt anxious to give as explicit and satisfactory an answer as was in his power, to the question of the noble earl. He was at a loss to see how the appointment alluded to by the noble earl, was unconstitutional and unprecedented. He believed, that ever since the privy council existed, or even since there existed such a station as that of lord chief justice, the learned lord who filled that station at the time was likewise invariably one of his majesty's privy council. Indeed, the lord chief justice of the king's bench was frequently summoned to attend the council on matters of the highest moment; and he was not only responsible for the advice he actually gave, but was also liable for any omission in giving his advice. His lordship must think it unnecessary to observe, that what was generally or usually called "the Cabinet," was, under that appellation and description, unknown to the constitution; indeed, it should rather be considered as a committee of the privy council that was more frequently called upon by his majesty for advice. Even that committee the lord chief justice of the land had often been summoned to attend;

and if at all times it appeared, that the lord chief justice was a member of his majesty's privy council, and that he was often called upon for advice by that committee of the privy council, commonly known by the name of the "cabinet," he could not think that it trenched in the least upon the spirit or the letter of the constitution, that he who was always of the privy council, and who was frequently consulted by his majesty's more immediate advisers, should be made an habitual or constant member of the committee of the privy council, which he had considered the cabinet to be; more especially when the person who filled that exalted station was, in the present case, a man from whose vigour of intellect, from whose extent of capacity, and from whose comprehension and depth of knowledge, the administration of his majesty's government was sure to receive the uniform assistance of such various lights. When he was honoured with his majesty's orders to form an administration, he anxiously looked out for such distinguished characters; and, if any exception was made to the advice he presumed to offer to his majesty on that very important business, he held himself responsible for any error or mischief with which it might be deemed chargeable. With regard to the appointment being unconstitutional and unprecedented, he should now only observe, that he believed it had the sanction of the example of lord Hardwicke, and certain he was it had the sanction of the example of lord Mansfield. The more such a question was discussed, the less, he trusted, it would be found liable to the objections insinuated by the noble earl.

The Earl of *Bristol* could not help thinking the appointment highly objectionable, notwithstanding the explanation of the noble lord. To him it appeared repugnant to the constitution, and incompatible with the due administration of justice; and, on these grounds, he should certainly submit it to the consideration of the house on Monday next; for which day it was ordered that their lordships be summoned to attend.

[Witnesses' Indemnity Bill.] Lord *Eldon* went over some of his former arguments against this bill, comparing it with the indemnity bill brought into the house in the year 1742, and observing, that such a bill having now been introduced, it was essential, in his opinion, that their lordships should ascertain what had been done in similar cases or former occasions. He therefore moved for the appointment of a committee to search for precedents respecting bills to enable witnesses, in cases of accusation, to give evidence at the bar of the house, by indemnifying them from criminal prosecutions or civil suits, or either of them.

Lord *Holland* said, he did not wish to oppose the motion of the noble and learned lord, but he was convinced that on the search being made, which the noble and learned lord desired, it would be found that the present bill was not by any means, as the noble and learned lord would have it understood, a *fac-simile* of that introduced in 1742; but, on the contrary, wholly dissimilar. He could not help, at the same time, thinking it unfair to argue the bill at the present moment, when it was not regularly before the house.

Lord *Eldon*, in explanation, contended, that he had never said that the present bill was a *fac-simile* of that of 1742; but that they must both be argued on the same principle.—The motion for a committee to search for precedents was agreed to.

HOUSE OF COMMONS.

Monday, February 24.

[Minutes.] Lord Temple, lord W. Russell, lord Ossulston, lord R. Spencer, lord Morpeth, Mr. Windham, Mr. Calcraft, and Mr. Erskine, took the oaths and their seats.—Mr. Whitbread moved, that lord Temple, lord R. Spencer, and Mr. Calcraft, be added to the committee appointed to prepare articles of impeachment against lord viscount Melville. Ordered.—On the motion of Mr. Calcraft, the following new writs were ordered to be issued, viz. for the borough of Inniskillen, in the room of sir W. Burroughs, who, since his election, had accepted the office of one of the judges in the supreme court, at Bengal; for the borough of Plymouth, in the room of P. Langmead, esq. who had accepted the office of steward of his majesty's manor of East Hendred; and for the borough of Portarlington, in the room of T. Tyrwhitt, esq. who had accepted the office of steward of his majesty's Chiltern Hundreds. — Lord Henry Petty moved, that there be laid before the house an account of all offices granted in reversion in England, stating the nature of each office, the date of the grant, and the period of time for which it was granted.—Mr. Rose observed, that a return of this nature had been lately made, and therefore that the account need only be called for from the date of the last return. He had no objection, however, to the motion. The motion was then put and carried, without any amendment.—His lordship then moved, "that an account of all offices granted in reversion in Scotland, with the nature of each office, the date of the grant, and the period for which it was granted, should be laid before the house." Ordered. He made a similar motion for Ireland, which was also agreed to.—Lord Henry Petty moved, that there be laid before the house an account of the increase or diminution, between the 1st of Jan. 1805, and the 1st of Jan. 1806, of the salaries, emoluments, and expences of all offices in England. Ordered. He then moved for a similar account with respect to Ireland, which was also ordered.—Lord H. Petty brought down the following message from his majesty: "G. R. His majesty, taking notice that by the act of parliament for allowing an annuity to earl St. Vincent, that annuity is limited to the earl and his two heirs male; and, being desirous that it should be further extended, recommends this object to the consideration of that house." On the motion of lord H. Petty, his majesty's message was ordered to be referred to a committee of the whole house on Thursday next.

[AFFAIRS OF INDIA.] Mr. *Francis* rose, in compliance with a habit which had of late prevailed in the house, to give notice of a motion which he intended to bring forward. This habit, he observed, which rendered a previous notice necessary when a motion of importance, or one which was likely to meet with opposition, was to be proposed, had certainly not always prevailed there. But however, that he might not be deficient in any point of form, which had been deemed proper by the house, he now gave notice that to-morrow he would move for a paper relative to the finances of the East-India company. This motion would be founded on a question, and it depended on the manner in which that question should be answered, whether or not he should bring it forward at all. In case, however, it should be necessary, he hoped that this would be considered as a sufficient notice.

[LORD ELLENBOROUGH'S SEAT IN THE CABINET.] Mr. *Spencer Stanhope* rose to give notice of a motion which he intended to submit to the house on Monday next, relative to the situation which the lord chief justice of the king's bench at present occupied in the cabinet.

Mr. Secretary *Fox* wished that the hon. member would state more explicitly the nature of his motion.

Mr. *S. Stanhope* replied, that he had not as yet framed it, so as to be able at present to be more explicit.

[REGIMENTAL COURTS MARTIAL.] The *Secretary at War* (General Fitzpatrick) observed, that he had last session given notice of a motion respecting the military justice of this kingdom. As this was, in his estimation, a matter of the highest importance, he had always been anxious to have it brought forward as soon as possible. But peculiar circumstances had prevented him from pressing it at the commencement of the present session, as he once intended to have done. At a later period, an event had occurred which rendered it necessary for him to postpone it still farther. Since that event, other circumstances had occurred, which induced him to abstain altogether for the present from urging his proposed motion; for the alteration which had taken place with respect to those by whom the affairs of the army were to be managed, and in his majesty's government in general, afforded well-grounded hopes that the defects of which he complained would be remedied by the executive power. With these sentiments, he thought it would be quite unnecessary for him to make these defects at present the subject of parliamentary investigation. Amendment was undoubtedly requisite in the points to which he intended to have directed the attention of the house; but, for the reasons above stated, he would beg leave to wave his motion.

[SINKING FUND.] Mr. Alderman *Curtis* rose, and begged to ask a question of the noble lord, whom he then saw in his place, relative to a report which had gone abroad on a very important subject. It was by no means his intention to interfere with, or ask any questions relative to taxes; but he hoped there was nothing improper or irregular in requesting the noble lord to say, whether he had applied to the governor and directors of the bank, for information relative to appropriating a certain portion of the sinking fund towards payment of the interest of the new loan? Such a report was in circulation, and had occasioned considerable alarm and uneasiness in the public mind. He hoped, therefore, the noble lord would excuse his troubling him for an answer to what he had taken the liberty to ask.

Lord *Henry Petty* said, he was extremely happy in having an opportunity of assuring the worthy alderman, and the public, that there was no foundation whatever for the report he had heard on that subject.

[IRISH FIRST FRUITS BILL.] Dr. *Duigenan* rose, pursuant to notice, to move for leave to bring in a bill relative to the first fruits in Ireland, and the regulation of Dr. Boulton's charity. This was a fund which had been left about 50 years ago by Dr. Boulton, archbishop of Armagh, to assist in maintaining the poorer clergy. The fund had of late very much increased. The object of the present bill was merely to enable the trustees in cases where the incomes of curates, &c. were below 100*l.* a year, to raise them to that sum from this fund, as far as it would go. He concluded by moving for leave to bring in a bill to amend the act of the 29th of George II., relative to the first fruits in Ireland, and for the better management of Dr. Boulton's charity. This motion had been made last session, but had from some accidental circumstances been deferred till now.

Mr. *Francis* thought that this might be a very proper motion, but the reason why he now rose, was to suggest to the learned gent. that however unexceptionable the thing might be, it was desirable that he should wait till another gentleman was present, who might wish to attend to this bill through every stage of its progress. This was the practice of the house, and a practice founded not only in decorum but in use too, and might be peculiarly proper in this case, as the hon. gent. alluded to, would in all probability hold a very high situation in Ireland.

Dr. *Duigenan* replied, that he was perfectly disposed to comply with this practice, but on the present occasion it was unnecessary, as the hon. gent. referred to, had last session an opportunity of examining this measure, and had then stated no objection to it.—Leave was then granted.

[MIDDLESEX ELECTION.] Mr. *Peter Moore* brought up a petition from certain freeholders of Middlesex, against the return of Mr. Mainwaring, on the ground that he was not properly qualified. The ground of qualification was the only point to which the petition went. A petition on this ground had before been presented; but at that time Mr. Mainwaring, by the decision of the committee, was not a member of the house, and of course the petition fell to the ground. The object now was to renew this petition. He thought it right to state, that this petition had been put into his hands only about ten minutes previous to the meeting of the house this day, and therefore he could say nothing more about it than that it was presented at the instance of certain gentlemen whom he understood to be freeholders of the county of Middlesex. The house would therefore consider whether it was to be received.

The *Speaker* observed, that if the matter of the petition came within the election laws on the subject, then the hon. member had a right to insist that the petition should lie on the table. If there was any doubt on that point, the passage of the act that bore upon it ought to be read, and then the house might judge upon the case.

Mr *Perceval* said, that from the first view of the thing he thought it impossible that this petition could be received, as it followed the decision of a committee, which had been appointed to try the merits of this election, before which this point might have regularly come. It would have been better to have brought forward this point there instead of going on from time to time harassing the house. He had not had such an opportunity of investigating the point of law on this subject as to enable him to give a positive opinion, but upon principle and analogy he thought it clear that it ought not to be received.

Mr. Secretary *Fox* admitted that his first impression was, that this petition could not be received, but if it was possible to have it deferred till to-morrow, as he understood it was, it might be proper to do so, that the members might have time to consider the peculiar circumstances attaching to this case. The circumstances were these: a petition had been presented against the return of Mr. Mainwaring, and the committee had decided on the return generally, declaring that sir F. Burdett ought to have been returned. The question of qualification could not come in here. But a petition had been presented on the part of Mr. Mainwaring, sir F. Burdett had declined defending his seat, and the freeholders had come forward in his place. If sir Francis had persisted in his defence, the qualification might have been here brought forward, but as the matter stood there was certainly cause for consideration, in order to remove difficulties, if they existed, and prevent their recurrence for the future. He hoped therefore that the matter would be allowed to stand till to-morrow.

Mr. *Perceval* complained of the manner in which the house had been used in this business. It was evidently the intention of the persons concerned to take the house by surprise, by deferring the presenting of this petition till the last day, and then only putting it into the hands of the hon. gent. a few minutes before the meeting of the house.

Mr. Secretary *Fox* said, that this affair depended not on the common law, but on a particular statute, and the question was, whether the qualification could have been properly tried till now?

The *Speaker* then read the passage of the act, from which it appeared, that the freeholders who took up the cause in the place of any member, stood, to all intents and purposes, in his situation, so that the qualification might have been tried before.

Mr. Secretary *Fox* said that his doubts were removed.

Mr. *Mainwaring* contended, that this petition could not be admitted on this ground, namely, that it was a petition to renew a petition that had been presented last session, which was not now renewable; because, in all cases of this nature, such a petition for a renewal must be presented four days after the commencement of the session.

The *Speaker* observed, that the hon. gent. was perfectly correct in his remark. It was the duty of every gentleman who presented a petition, to make himself master of the contents, in order that he might explain them to the house; he therefore requested the hon. gent. would have the goodness to state, whether or not this was a petition for the renewal of a former petition.

Mr. *Moore* replied, that he believed he might take upon himself to say, that it was a petition for the renewal of a former petition.—On which the Speaker declared, that the rule of the house was perfectly clear, which rendered any such petition inadmissible.

HOUSE OF LORDS.

Tuesday, February 25.

[MINUTES.] Lord Androssan (the earl of Eglingtown) was introduced in the usual form, between the earl of Moira, and lord Keith. His patent of creation having been read at the table, his lordship took the oaths and his seat.—The exchequer bills bill passed through a committee, and was reported.—The New Forest Road bill was read a second time, and committed for Thursday.—Mr. Baldwin brought up a bill for erecting court houses in the West Riding of Yorkshire, which was read a first time.

HOUSE OF COMMONS.

Tuesday, February 25.

[MINUTES.] A petition was presented from the debtors confined in the jail of Nottingham, which was ordered to lie on the table.—Mr. Grey, sir A. Piggott, and Mr. H. Addington, and sir C. Pole took the oaths and their seats.—Mr. Eyre presented a petition from the maltsters of Nottingham, complaining of the additional duties imposed upon malt by the act of the 42d of his present majesty. Ordered to lie on the table.—Mr. Johnson from the office of the chief secretary for Ireland, presented at the bar an account of the number of non-resident clergymen, &c. in the dioceses of Ossory and Kilmore. Ordered to lie on the table.—Dr. Duigenan brought in a bill for enforcing the residence of the clergy in Ireland, which was read a first time.—The secretary at war gave notice, that he would on Thursday submit a motion for leave to bring in a bill to indemnify those who had advised his majesty to permit the landing of a certain number of foreign troops in this country. This measure, the right hon. gent. added, was conceived to be the more necessary in consequence of the amount of the German legion, which had been recently so very much recruited on the continent.—Lord Henry Petty moved, "that a committee be appointed to examine and report the amount of the joint charge on the united kingdom of Great Britain and Ireland, between the 1st of Jan. 1801 and the 1st of Jan. 1806, what proportion thereof has been defrayed by Great Britain and Ireland respectively, and what balance remains due from either part of the united kingdom to the other, according to the provisions of the act of the 39th and 40th year of his present majesty, for the union of Great Britain and Ireland; and likewise to consider of and report the best means of ascertaining in future the amount of such balance as may be due from Great

Britain or Ireland, respectively, at the expiration of each year." Ordered.

[Affairs of India.] Mr. *Francis* rose and spoke as follows:—Mr. Speaker; I rise, pursuant to notice, to move for the production of a document, which is at once of considerable importance and curiosity; but, as it relates to a subject which appears not to deserve much interest in this house or in the country, it may not excite adequate attention. I well know, by long experience, that India and every question connected with it, has no attraction for parliament or for the public; and that now, as well as on all former occasions, I shall still have to contend with the impatience and disgust of a careless unwilling audience. This alone makes the task too heavy for me, and is more than ought to be imposed on any individual, who has laboured for two-and-twenty years to execute a most invidious as well as important service, without reward, or assistance, or even encouragement from any body. It is not possible for the house to believe, that I can have any satisfaction in such a labour, except from the sense of performing a great and urgent duty, the execution of which, in fact, has been a principal bar to all my views in life as well as a perpetual interruption to my quiet and happiness. So far from having a pleasure in the dry discussion of such subjects, if it were possible for me to command a vote of this house, the first resolution they should pass should be to close my lips, and silence me for ever, on India affairs. The task I have undertaken, and so long pursued, is difficult, is unpleasing to those most interested in it, and, as yet, productive of no benefit to the country; still I will go on.—I will not solicit; but I will advise the house, as they value the interests of India, not to discourage the few, who may yet be disposed to investigate that subject, nor to damp their pursuit by a languid, reluctant attention; by, in fact, slighting their zeal. India is every day becoming more formidable to this country, and every thing that relates to our possessions in that quarter imperiously claims the attention of parliament. The question, which I have now to submit to the consideration of the house, does not refer to war or peace, or to any topic of Indian policy. It is merely a point respecting finance; and perhaps will not be a bad preface to the motion of which an hon. gent. on the bench behind me (Mr. Paull) has given notice for this day. Motions of this nature I conceive to be particularly necessary, in consequence of the irregular manner in which the accounts respecting India have been laid before the house, or rather by the neglect for some time to make any official communication whatever from that quarter. No Indian budget, you will recollect, was produced in the last sessions, and the noble lord (Castlereagh) who then presided over the board of controul accounted for that singular omission (nothing similar to which, as I believe, had ever occurred before, since the board of controul was instituted) in this singular way; viz. that the necessary accounts had not arrived from India. This was certainly strange: and I recommend it to the particular attention of his majesty's present ministers. Since the end of March 1803, no statement has been laid before parliament, of the situation of the finances of India. If I were to ask the reason why the necessary and usual accounts were not produced in due time to enable the minister for India to bring forward the India budget for last year, it would not surely be answered, that these accounts were not sent from India in due time; for, any such delay unaccounted for would involve the direct breach of an act of parliament. But if it were said that the dispatches were intercepted; that the ship which carried them was captured, and that thus our financial accounts fell into the hands of the enemy; then another question would arise. It is notorious, that every captain entrusted with the conveyance of public dispatches, receives written official instructions from the secretary's office at each presidency to keep the public dispatches entrusted to him, in a state of preparation; that is, ready slung and loaded with weights to be instantly thrown into the sea from the stern gallery, at any moment when he should see that the capture of his ship by an enemy was unavoidable.—Why were these orders not obeyed? How came those most important dispatches from India, as well as outward bound, which were published at Paris, to fall into the hands of the French? How did it happen that our government for many successive months knew nothing of their contents, nor indeed of the state of India, but through the medium of the French newspapers, retranslated into ours?—Have the directors made any effective enquiry into the causes and circumstances of this most unfortunate event? I call it unfortunate only, until I know that it was owing to some negligence, which of itself would be criminal, without supposing a worse motive.—The subject of the motion, which I am now about to make, is not, or rather ought not to be, new to this house. I have mentioned it repeatedly, but without success, or being able to obtain the least explanation concerning it. And how should it be otherwise, when, as the noble lord well knows, his interest, which was considerable, and mine put together, could never obtain an audience of more than fifteen or twenty members to *his* India budgets; and that, towards the close of those debates, we were generally left to ourselves, with the chairman of the committee.—This supineness on the subject of India, has already produced the worst consequences as to India; and if another course be not adopted, I am sure will be the cause of serious distress, and probably more than distress, to this country. On the 21st of Jan. 1805, (see vol. iii. p. 50.) I stated to the house, that a sum of money equal to 352,000*l.* had been lately charged in the disbursements of the presidency of Bombay, with no other explanation than these words: "*Lent to the Guicowar.*"—The house ought to know two things;—that the several presidencies in India are generally in distress for money, and constantly employed to raise it by every possible expedient; and that Bombay is the poorest and the most distressed of them all. In these circumstances, they profess to have lent an enormous sum of the company's money to this their tributary prince. To save the time of the house, I beg leave to read, what I before said, and which has been some time in print on this subject, as a part of my speech: "In the country of Guzzerat, to "the north-west of Bombay, there is a "Prince called Guicowar; a part of his "territory has been ceded to the company, partly to make good the pay of "our subsidiary force stationed at Poona, "and for other objects of indemnification. "Out of that fund we ought to have received a considerable revenue; but to "that prince the government of Bombay "have lent a sum not much less than "360,000*l.* The documents relative to "this extraordinary transaction, I think, "ought to have been laid before the "house, under the orders already given; "which would save time and trouble; "if not, it must be the subject of a particular motion." I think it is natural to ask on what ground, and for what reason, this loan was made. In the printed papers, I cannot find any thing to throw a ray of light on the subject. The company take possession of the territory of Guicowar, they hold it in his name, and the first thing done is to lend him 352,000*l.* Why, on the very face of the transaction there is something which calls for explanation. The words of the official dispatch from Bombay relative to this prince and territory, were these—"This state has "for its present native ruler a chieftain of avowedly weak intellects. Our "support therefore must be extended "to all the operations of its government; holding as we do, the immediate charge of the Guicowar chieftain's own guard, and dividing with his "troops the garrison of his capital."—Does any man believe that the Guicowar ever received a shilling of this loan? If there be really such a man, I shall only say, that that man knows nothing of the politics of India.—The hon. gent. concluded with moving, that there be laid before the house "extracts of any letters or accounts received from the presidency of Bombay, relative to the sum of Bombay rupees, 31,25,944, inserted in the account of their disbursements for the year ending the 30th April, 1803, and said to be money lent to Guicowar."

Mr. *Hiley Addington* said, that had he been a member of the house yesterday when the notice of this motion was given, he would have taken the liberty of asking the hon. gent. to postpone bringing it forward, until the board to which he had the honour to belong should have an opportunity of considering the subject, and of enquiring into the nature of the papers connected with it. This indulgence he hoped the hon. mover would not be disinclined to grant to a board so recently appointed. The application would not, he trusted, be deemed unreasonable, when the nature of the business connected with their office was taken into view; when it was considered that it might be necessary to look over a number of papers which the noble lord on the other side (lord Castlereagh) knew to be pretty voluminous, before an opinion could be formed, whether it would be consistent with the public interest to accede to the object of this motion. As the grant of this paper was not so very pressing in its nature, he hoped the hon. gent. would have no objections to postpone it for a day or two; and he assured the hon. gent. that, in the mean time, the subject to which his motion referred should be carefully enquired into.

Lord *Castlereagh* said, he was as ready as any man to acknowledge the debt of gratitude which parliament and the country owed to the hon. mover, for the zeal and assiduity which he had uniformly manifested upon the important subject of our interests in India; and he perfectly concurred with that hon. gent. that it was essentially necessary the house should apply itself to the attentive consideration of those great interests. But, in order to enter into that consideration, every part of the subject should be laid before the house. The whole of the question should be completely understood. With respect to the assertion, that the India budget not having been brought forward last sessions was an unprecedented omission, be begged leave to set the hon. gent. right; for precisely the same omission occurred the first year he was president of the board of controul. But as to the cause of the last omission, of which the hon. gent. had complained, it was known to have proceeded from the delay of the accounts from India, which were indispensably necessary to the preparation of the budget; and the same cause occasioned the omission which took place before he entered into office. As to the motion before the house, he saw no objection to the production of the paper referred to; but it was for the right hon. gent. (Mr. H. Addington) and his colleagues to exercise their own discretion. When that paper should be laid before the house, and the transaction to which it alluded should be fully understood, the impression on his mind was, that the hon. mover would find the loan not to have been improvidently advanced; that it was not money lent without a just motive, or without ample security; but, on the contrary, that land was assigned to the company to ensure the repayment of this loan, and that that land was placed under the company's own administration. On the whole, the noble lord had no doubt it would appear, that the advance to this prince was a proceeding which stood upon the best principles of policy, that it was perfectly justifiable, and that no loss whatever was likely to accrue from it. To the hon. mover's allusion, in the style of complaint, to the absence of the directors on this discussion, he should only say, that being this day engaged in attendance at a general court, which, as to-morrow was a holiday, no doubt presented an increase of business, their absence from the house was at least excusable.

Lord *Morpeth* joined in the request of his right hon. colleague (Mr. H. Addington), that the hon. mover would defer his motion for a few days.

Mr. *Francis* said, he had no thought whatever of attaching blame to, or occasioning any inconvenience to those who now directed the board of controul. He brought forward this motion before the house, in compliance with a notice which he had given so early as the last sessions. With the request made to him by the noble lord who had last spoken and his right hon. colleague, he had no difficulty in complying; but he wished to learn, when the noble lord would be able to ascertain the propriety of acceding to the motion, which he had felt it his duty to bring forward. He also would be glad to hear when the India budget, which was omitted last year, was likely to be brought forward.

Lord *Morpeth* assured the hon. gent. that no time would be lost in enquiring into the subject to which his motion referred. With regard to the India budget, he stated it to be his intention, on the next meeting of the house, to move for the production of the accounts necessary to the bringing forward the budget of last year. How long these accounts might be preparing he could not pretend to say.

Mr. *Charles Grant* said, he had not been in the house when the motion was made. He regretted that the attendance on his duty in another place, deprived him of the advantage of hearing the observations of the hon gent. who introduced it. By all the information he could collect on the subject, he thought that there would be no objection to comply with it. He was sure it was the wish of the court of directors, that every information in their power should be given. At the same time, he felt it an important consideration, to ascertain how far it might be consistent with the general interests of the company to have their accounts called for on every occasion.—Mr. Francis then, with the permission of the house, withdrew his motion.

[Affairs of India.] Mr. *Paull* rose and spoke as follows:—Sir, in 1783, India could not be mentioned without filling the benches of both sides of the house;

but I believe almost the last time lord Melville addressed this house on the affairs of India, he congratulated himself (in 1800) that circumstances were so changed, and the public opinion and that of the house so favourable, that to its most important affairs he could hardly bring down sufficient members to form a house. On such confidence and change of circumstances he congratulated the country. In such congratulation, I, sir, cannot possibly join; for to such confidence, and to the system pursued for 23 years past, I attribute the growth of an enemy more formidable to the happiness and prosperity of England, than the flotilla that menaces our shores from the coast of France. Sensible of the danger which few seem to be aware of, in the first week of the present session, I gave notice of my intention to bring before the house a subject which, whether considered in a political, in a commercial, or in a financial point of view, was second to none that could occupy the attention of parliament; and, as a ground for future procedure, I moved for a letter from lord Melville to the chairman of the court of directors, which has not yet been laid before the house. With the death of that truly great, illustrious, and ever-to-be-lamented character, the marquis Cornwallis, I believed, and still believe, the sun of Great Britain set in India; that with him perished the last hopes of the country, for rendering India an aid instead of a burthen to the mother country: at all events, his death stimulated me still more strongly to persevere in the line of conduct I had imposed upon myself; and, feeling that delay was most injurious to the best interests of the country, I, on a subsequent day, gave notice of my intention of moving for a select committee, to enquire into the truly alarming state of the company's India debt, and into the causes of the disappointment of the just expectations of the public, and the total and entire failure of every term, condition, and stipulation for which they obtained their charter. That such a discussion has not yet taken place, cannot with any justice be attributed to me. It has arisen from the state of the country, the state of the times, the state of the house, the want of a ministry, and especially from the absence of the members of the board of controul.—I am this night, preparatory to my intended motion, to move for some official returns, which will however occupy little time in the preparation and production, and still less in reading; for, I believe, that six of the eight returns I shall call for, will be answered by six simple negatives; negatives, however, that will prove several gross violations of the law and high breaches of duty.—It will not be considered the least extraordinary of the circumstances of the present times, that lord Melville, who is now under impeachment for a violation of the law, and a high breach of duty, should, in 1793, have brought in a bill for the most important purposes, and drawn up with a care, precision, and solemnity proportionate to the importance of the subject, a bill holding out great political, commercial, and financial advantages; a bill to guard the happiness and prosperity of 40 millions of subjects, and to controul an expenditure of upwards of 230 millions; and that, while he is under impeachment, his act has been violated in every section, except one, where "the breach would have been more honorable than the observance." A misappropriation of the public money has taken place to an amount exceeding 20 millions sterling, and the violaters of the law have hitherto escaped without censure or notice.—By the act of 1793, after the payment of the military and civil establishment, the act enjoins that a sum not less than one million of pounds sterling shall be applied for commercial purposes, and remitted to Great Britain, to form a part of its national wealth. Since 1798, no sum whatever has been applied to commercial purposes, and the law has been violated in this single instance to a sum exceeding 8 millions. To this extent, and to this amount has this commercial nation been deprived of such an import from our colonies, which the law ordered and enjoined. By the 109th clause of the same act, the law provides, that the governor-general, to reduce the India debt of the company, which was considered as the most formidable enemy to its happiness and prosperity, and which amounted in 1793 to 7 millions, should draw for a sum amounting in each year to 500,000*l.* which was to be applied to no other purpose, to no other account whatever, except to the reduction of the debt. Eight millions have been drawn from, and not one shilling has been applied to the purpose ordered and enjoined by the act of parliament. Bullion has been exported to the amount also of 8 millions, for the same purpose, and no part of the amount has been applied towards the overthrow of an enemy, considered by every person, conversant in the affairs of India, as fatal to the prosperity of India and England.—By the 111th section of the act, after payment of the said sum of 500,000 *l.* to be drawn for the reduction of the debt, which was to be reduced to two millions of pounds sterling, the law allows of a dividend of ten per cent. per annum to the proprietors of East-India stock. This part of the act, and this part only, has been complied with; and I maintain, that this ought only to have been the case had funds been remitted from India from the surplus revenues of India. Now, sir, no such thing has been the case. These dividends, sir, to the amount of 600,000*l.* yearly, have been paid from property provided in India, with money borrowed at an enormous rate of interest in the first instance, saddled with an enormous commission in the next, to the commercial servants of the company; and the sales of this property which had to pay the principal borrowed in India, the interest of 12 per cent. at the lowest, a commission of 10 per cent. to those that provided the investment, and a dividend of 10 per cent. to the proprietor, have, I am ready to substantiate, invariably produced a considerable loss. But, sir, the payment of these dividends, for which the public must ultimately be answerable, ought not to have been paid from any funds except the profits arising from investments provided with the surplus revenues of India, and not payments from funds borrowed in India, and which have tended to increase the debt to 30 millions, instead of 2 millions enjoined by the law, has been a violation of the same, a high breach of duty, and has tended amongst other causes, and in no inconsiderable degree, to produce the state of embarrassment so much to be deplored, and tended not only to deprive the public of their just but small participation, but will in the end saddle them with a debt, which never now can be paid by the India company within the period of their charter. After the payment of this dividend, the law provides, that the East-India company, in addition to the million of wealth to be yearly imported into Great Britain, which I maintain can be considered in no other light than as an income from an estate belonging to the nation, the East-India company stipulate and agree to pay into his majesty's exchequer, in half-yearly payments, as profits, or direct advantage, a participation of 500,000 *l.* to the public in each year; but, if a failure takes place, it is to be carried as a balance to the succeeding year, and may be levied by a suit at law, with a penalty of 15 per cent. for each failure. No payment, sir, has been made, I believe, except in the first year; and the balance now due to the public amounts to nearly 7 millions of pounds sterling; but which, with interest and penalty, would produce a sum sufficient to the purchase of upwards of 35 millions of the capital of the debt of Great Britain.—The 115th clause provides, that the surplus funds of the company shall be laid out in stock, until the same shall amount to 12 millions of pounds sterling, which is to be placed from time to time in the bank of England, there to remain as a guarantee fund for the amount of their capital stock: and by the 116th clause, the governor and company of the bank of England are ordered and required to produce the account of such stock, and lay the same before both houses of parliament on the 15th of Feb. in each year, if the parliament be then sitting, or within 14 days after the commencement of the then next session. No such returns have been made, and the public are yet to learn what stock has been purchased, and whether or not the capital of the company, on the expiration of the charter, is to be without the guarantee so solemnly stipulated for by the act of parliament: and by the 121st section of the act, it is ordered and enjoined, that, if the directors shall be unable to make good such payments to the public, they shall make representation of such inability to the chancellor of the exchequer, or the lords commissioners, who are empowered to issue an order, suspending such payments; but are required to come within 14 days to parliament, and produce such representation and order, and evidently to obtain the sanction and approbation of parliament. Here again, sir, the law, I believe, has been grossly violated. Had such yearly representation been made, as the law required, long ere this, I am satisfied, the house and the public would have found themselves compelled to revise a bargain, thus rendered nugatory, violated, and broken in all its parts. To enable gentlemen to meet this great question, I am this night to move for documents to prove the allegations I have now made; and I hope to this question, gentlemen will come with unbiassed minds, and not shut their eyes to conviction, merely because the question is Indian, and because it is brought forward by a man new to this house and the public. The affairs of India must now force themselves on this house, however the evil hour may be delayed, and an attack on the purses of the people of Great Britain, and a certainty that, after a waste of much blood and much treasure, they will still be called upon perhaps to pay, certainly to guarantee, a debt of 45 millions sterling. These considerations will demand an attention, that the cries of millions, and the devastation of defenceless provinces, have been unable to effect.—I therefore move: "1. That there be laid before this house, an account of all the sums of money which have been paid by the East-India company into his majesty's exchequer, in obedience to the 111th section of the 33d of the king, c. 52.—2. A copy of all the representations which have been made to the lords of the treasury, in obedience to the 121st section of the said act.—3. A copy of all the orders which have been given by the lords of the treasury, for the suspension of the payments of the money due from the East-India company to the public, in obedience to the same section.—4. A copy of all the orders and representations as aforesaid, which have been made by the commissioners of the treasury to parliament, in conformity to the same section of the act.—5. An account of all the stock purchased towards the guarantee fund of the company, limited by the 114th section of the act to 12 millions sterling.—6. The yearly accounts of such stock, and of its appropriation, which, by the 116th section aforesaid, the governor and company of the bank of England are required to lay before both houses of parliament, on or before the 15th of Feb. in each year; and if parliament shall not then be sitting, within 14 days after the commencement of the session of parliament.—7. An account of all bills of exchange drawn upon the court of directors from 1793 to the latest period; specifying the amount from each presidency, and the sum total in each year.—8. An account of the value of specie and bullion exported within the same period to Bengal, Madras, and Bombay; specifying the amount in each year, and any sums re-exported from Madras and Bombay to Fort William, in consequence of any orders from the governor-general of India.—9. A copy of all applications made by the governor-general in council to the chief supercargoes at Canton for pecuniary aid, with the answers or returns made to such applications from 1798 to the last accounts from that factory."

Lord *Castlereagh* hoped the house would excuse him if, having been trusted with an important office in the administration of India, he felt that he could not sit silent, after the observations which had been made by the hon. member who spoke last. It appeared to him, that the hon. gent. had either misconceived the act he alluded to, or else he must have read it very hastily, as he had blended together the territorial and the commercial revenues, which should be considered as distinct things. As to the sending of bullion to India in payment for its colonial produce, whatever prejudice there might once have existed against exporting bullion, in modern times it was considered as an article of commerce, which might be exported without danger in its consequences. The hon. gent. had blended together many other considerations, which ought to have been kept distinct. He had not distinguished the debt and the assets abroad or at home, nor taken notice of that intermediate measure, the arrangement for the transfer of part of the Indian debt to this country. As to the act of appropriation, the only way that the house did, or could in common sense have ordered the appropriation was, that, in case of a surplus, there should be set apart, in the first place, a sum for the military expences; in the next place, for the civil and commercial affairs; and then, that the remainder should come over in investments. The hon. gent. was much mistaken, if he thought that a single enactment would be sufficient to allow the country to participate to the amount of the half million stated. Unless there was a surplus for such sum to come out of it, it would be impossible that it should be paid. When there was no surplus, it was also impossible that annual accounts should be laid before the house of an appropriation of a surplus. The hon. gent. seemed to be in a mistake throughout the whole of his speech, in only considering the surplus of territorial revenue, instead of the net proceeds arising from the commercial transactions of the East-India company, combined with their territorial revenue. The guarantee fund which he mentioned, was only to be created after the debt should be re duced to two millions.—As to the superintendance of the board of controul, the noble lord said, it had in fact been confined, as the law directed, to the civil and military government and revenues, of India. As to the commercial interests and concerns of the company, and their exclusive right to conduct their trade, and to instruct their presidencies concerning the provision of their investment, and on every subject connected with this part of their charter, the court of directors had been left to their own unbiassed discretion; and the board of controul had never interfered with them, much less had it ever thrown any impediment or embarrassment in their way.—In the present state of the finances of the East-India company, it must be recollected, that the last two or three years, and since the commencement of the Mahratta war, have been the times of the severest pressure. Up to the month of April 1803, he had frequently stated to the house, that the financial situation of India was a situation of great prosperity, affluence, and abundance, and such as justified the expectation which had been so long entertained of this country participating in the prosperity of the company. He should not speak either of what might be the financial pressure at the present moment, nor of the means that the company had of surmounting this pressure; but he thought it would be impossible for gentlemen to form a right judgment of the present state of Indian affairs, until the accounts of the years 1803 and 1804 were before the house. He concluded by asserting that, if it had not been that the subsequent expences of the war had disturbed unexpectedly the prosperity which prevailed in 1803, the statements he had made would have been realized.

Mr. *Fuller* could not think with the hon. mover, that the sun of Britain had set at the death of the marquis Cornwallis. He did not despond so. Men of talent could always be found for the service of the country. This led him to suggest to his majesty's ministers, whether something ought not to be done for admiral Cornwallis, the brother of that great man, who had distinguished himself so much by his blockade of the enemy in Brest.

Lord *Folkestone*.—Mr. Speaker, the noble lord (Castlereagh) in the latter part of his speech, has chosen to advise the hon. gent. who made this motion, to confine his enquiries about the finances of the East-India company to the period of the two last years; and he says, that it will be best for his own purpose to do so. I do not know what purpose the noble lord imputes to the hon. gent., but I know with what view I shall support the motion he has made. I wish the whole state of the affairs of the company to be fully and completely examined, and the true condition of them to be made known to the house and to the country; and, for this reason, I hope the hon. gent. will not follow the advice of the noble lord, but will persevere in his intention of enquiring into the management of these affairs during the whole period of the existence of their charter.—Sir, the noble lord has further imputed to the hon. gent. a careless and negligent perusal of the act by which this charter was granted; and accuses him of not understanding it. Undoubtedly this act is a very long one, and in some parts a little confused and unintelligible, particularly to those who are not acquainted with the local circumstances of India; but the part of the act to which alone the motions of the hon. gent. apply, are so plain, that I think it can be necessary for a gentleman to do nothing but read them, to be persuaded of the truth of what the hon. gent. has stated, that the provisions have been violated in almost every particular. But the noble lord says, the act provides for the appropriation of the surplus, if any; but could never mean to enact, nor could even be construed to mean to enact, that there should be a surplus. I conceive, sir, very differently. I confess I look upon this act as an agreement and bargain, between the company of merchants trading to the East Indies and the government of Great Britain. The government, for the public, gave to that company the exclusive right of trading to that part of the world; they surrender the right of the public to participate in the advantages of this trade; and, in return, require certain things at the hands of this privileged company. The remuneration, to be sure, is small enough. In return for the advantage and profit of an exclusive trade, the public ask for nothing but an annual payment of 500,000 *l.* But surely, sir, that is as much a contract as can be entered into; and, if the terms of the agreement are not fulfilled on either side, the contract is at an end. Now, sir, what is it that the law requires of the company, in return for the advantages conceded to them; how is the money arising from this lucrative trade appropriated? In the first place, the act provides, that the military and civil establishments in India should be defrayed from the profits of the territorial revenues of the company; and then, that a sum, not less than a million of money, should be set apart for the purpose of purchasing goods to bring to Europe, or, to use the words of the act, for providing an investment. The noble lord may perhaps say here, that no man could suppose that a law would be passed requiring that there should be such profits. But, when two parties enter into an agreement, and one takes great exclusive advantages, and promises to do certain acts, I should be glad to know, whether the non-performance of these acts is not a termination of the contract altogether. The company take the advantages offered—they take the profits; the act gives them up this; and then says, they shall do so and so with them: are they to continue to enjoy these rights and advantages without performing what the act requires? Well, sir, this investment, so purchased, is to be brought home and sold for the benefit of the company, and the profits arising from the sale are to be disposed of, 1st, in paying the dividends; 2d, in honouring bills of exchange to the amount of 500,000 *l.*; and, 3dly, to paying 500,000*l.* more into the exchequer, for the benefit of the state. Now, sir, there is a curious question arising here, and I am inclined myself to lay great stress on the argument of the hon. mover; viz. that, if this investment is really not purchased with money arising from the territorial revenues, after the expences of the civil and military establishments have been provided for, the dividends really ought not to be paid; for the act only allows them to be paid out of the profits arising from the sale of investments so purchased. However, be this as it may, the other appropriations of the said proceeds of the sale of investments have never been complied with, at least as far as the public is concerned. Except in one instance only, no payment has been made to the exchequer; and, as I contend this act must be considered as an actual agreement, and this payment as a remuneration to the public for the advantages they had foregone, I must think, that the charter has been forfeited altogether. It is true, indeed, that, in a subsequent clause, the act admits the possibility of such payment not being made, but it provides a regular manner, by which it shall be dispensed with, and the parliament made acquainted with it.—Has this mode ever been adopted? Has parliament ever been informed? No, sir; the act here again, has been over and over again broken and violated.—The motions now before the house, are calculated to ascertain and to inform us of the extent of such violations of the act.—I think it is highly desirable they should be known, and therefore I shall certainly support them.

Lord *Castlereagh* said, he had not wished to confine the enquiry to the two last years; on the contrary, he had stated that he was ready to prove, that the finances of the India company were in a flourishing state at the time he brought forward the last budget.

Mr. *Francis.*—Mr. Speaker; since I have had the honour of a seat in this house, I have heard many extraordinary propositions stated and argued on, as if they could not be disputed; but, in my whole parliamentary life, none more extraordinary than some, which have escaped the noble lord this night. I shall state them briefly as they occur to me, and while they are fresh in my memory; observing only, that we are not talking now of the political government of India, or of the wars in that country, or of any question or subject in which the policy of England in regard to the territorial possessions is concerned. The noble lord asserts that the superintendance of the board of controul has in fact been confined, as the law directs, to the civil and military government and revenues of India. As to the commercial interests and concerns of the company, and their exclusive right to conduct their trade, and to instruct their presidencies concerning the provision of their investment and on every subject connected with this part of their charter, on all these points the noble lord affirms that the court of directors has been left to their own unbiased discretion; the board of controul had never interfered with them; much less had it ever thrown any impediment or embarrassment in their way. Is this the fact? If it be, I call on the directors to confirm it; if not, to tell us the real state of the case. Have the commissioners never interfered with their trade, or with their lawful discretion over their own proper concerns? I think I remember some strong instances of the contrary. What part did the commissioners take in the great question between the company and the private traders? Was it a political or a commercial question, when their secretary (Mr. Broderick) informed the directors "that it would be unnecessary to send out any paragraphs, the tendency of which might be to occasion uneasiness in the mind of the governor-general?"* I am sure that various other facts of the same kind might be produced, though I cannot immediately recollect them. The second proposition asserted was, that the exportation of bullion to India (for observe we are not speaking of China), was no disadvantage to the company or to this country;—that bullion was just as much an article of export as any other commodity; and that, whether they exported that, or an equal value in manufactures, was just the same thing in a commercial sense. In a nation over-run with paper as we are, this is, at first sight, a strange proposition. The export accounts for the scarcity of specie, and that scarcity accounts for the abundance of the paper. But, is the proposition true in a commercial sense? Has the noble lord never heard of the balance of trade between one country and another? Certainly I do not pretend to much knowledge on these subjects: but, I have read a good deal, and I appeal to all the written authorities and more especially to the merchants of England on this question—Whether a nation, that constantly pays its commercial balance in specie, is not universally understood to be the loser by that commerce? In former times, we never exported an ounce of silver to India. The investment for a long period was annually supplied out of resources of one kind or other on the spot; for several years, out of the surplus of the territorial revenues. While those latter resources lasted, the company obtained their investments for nothing. It was the only possible course, by which a tribute could be remitted from Bengal to England. Those supplies have been gradually exhausted. But they have left behind them the habits and the consequences of an unnatural precarious abundance: I mean expensive establishments, and extravagant habits.—The result, as I am informed by persons who understand this subject much better than I do, and as I firmly believe to be true, is that the company are considerable losers on the prime cost of their Indian investment, including all charges. What the consequence has been, or is likely to be to the state of the company's affairs at home, I need not argue at present. It will speak for itself when the directors apply, as I believe they will do, for relief and assistance from the public.—It will then be a national question in this house, to what degree the property of the public shall be applied to support the instant demands and necessities of the India company. On that day, they shall find me, what I have been through life, their real friend; not hired; not paid; not thanked by them; but, serving them to the utmost of my ability in spite of their blindness to their own true interests, and in spite of their ingratitude towards me. But, to do this, one condition is indispensible, viz. that a full and clear account of the state of their affairs commercial and financial, shall previously be laid before this house. I will maintain their dividend if it be possible, because I well know the distresses and sorrows to the innocent proprietor, that would attend a reduction of it. I do not now mean to blame the directors, and much less the body of proprietors, who, in fact, are the company, for many things, which have been done of late years. The company have been the victims, not the authors of the system, which has been followed. The principal point, on which I question the conduct of the court of directors is, that, from the renewal of the charter in 1793 to this hour, and while they have seen their property running from year to year to ruin, they have never brought forward a state of their affairs as they ought to have done, by petition to this house, or by any public parliamentary remonstrance against an over-ruling power, if they were over-ruled. Have they ever in any instance appealed to the king in council against the board of controul? To this objection it is no answer to say, though in fact it might be true, that they are not free agents. When the first attempt to deprive them of their free-agency was made, then was their time to resist, or to remonstrate:—not by secret conferences with the members of the board of controul, but by appeal to the wisdom and justice of parliament, or by some other public and honourable proceeding. A preconcerted harmony between the two powers, one of which is to originate all the acts of Indian government, and the other, to controul and correct them, if necessary, was not and could not be the parliamentary object of the institution of the superintending power. Otherwise, the board of controul ought to govern in the first instance by its own acts. I do not mean to defend the system: but, I say, the system, bad as it is, is infinitely better than the practice. This pretended harmony, I believe, will be found, upon examination, to be nothing more or nothing better than a good understanding between the president on one side, and a secret committee of directors on the other. The court of directors, as such, know little or nothing of what is going forward between those two parties: certainly not, in any thing that concerns the political government of India. —Once more the noble lord resorts this night, as he has often done before, to his old friend and never-failing associate, the Marhatta war. This war, in his lordship's contemplation, is, like death, I suppose, a cure for all things. If nothing else will do, it furnishes an inexhaustible source of relief to his own noble mind, when any Indian difficulty is to be discarded. He forgets that, in his speech of the 19th of July 1804, he has already most solemnly assured this house, and the public too in print, that the ten years ending in March 1803 was a period of nearly uninterrupted war, and that the Marhatta war, the merits of which are not, and cannot be, in question in this debate, did not commence until August 1803, consequently has no connection with, nor can, on any rational ground of argument, be pleaded, to account for, that state of India and of the company's affairs, which is up to this day officially known to the house of commons. Admitting the Marhatta war to be a merit or a remedy, and not at all a disorder, it is not in the power of human wit to connect it with the case in hand. The accounts actually before parliament, reach no farther than to April 1803, and at that period the company owed twenty millions in India, to say nothing of their immediate debts and difficulties at home, which even then were intolerable. As to the general allegation of uninterrupted war, to account for the debts incurred, and the total failure of all the pecuniary engagements, contracted with and for the public, and in behalf of the company too, I say that the plea would not be a good one, if it were true. But I deny the fact. The war, which preceded 1803, will not account for the consequences imputed to it. The noble lord knows that I have maintained this opinion in another form; and as I think with arguments, which I may defy him or any man to answer. [This refers to Mr. Francis's "Observations on lord Castlereagh's speech", printed in 1805.] The next assertion of the noble lord is eminent indeed, even among the prodigies of his own speech. He solemnly assures the house that, in April 1803, (in reference to the finances and pecuniary resources of the company) the state of their affairs was prosperous, affluent, and abundant. These were his words. Now, there are only two ways in which such an assertion, on such a subject, can be true, positively, or comparatively. The noble lord may take his choice. On the 30th of April 1803, the India debt is stated to you, by the directors and by himself, to have amounted to 19,800,000*l.* and all the Indian estimates for the ensuing year take credit for expected receipts to an enormous amount, external to the proper resources of each presidency within itself, that is, to be derived from new loans, from draughts on the company, and from bullion expected to be received from England. On the 1st of March 1803, their bond debt in England amounted to about 1,750,000*l.* Their debt to the bank was then 700,000*l.* and even that loan could not have been obtained without a mortgage of their annuities, which they were empowered to sell. In order to exhibit a favourable balance on the face of their stock account, the directors were reduced to the necessity of leaving the capital of the company, for which the corporate body had received 7,780,000*l.* from the subscribers, totally out of the state of their debts. For this omission, it is true, they pleaded an order of the house of commons, when official orders were moved for without notice, and granted as a matter of course. Such is the evidence of the noble lord's assertion taken positively; and without saying any thing of the reasonable and obvious conclusion to be drawn from it, viz. that the India company must have been then in a condition to begin to liquidate their engagements, or, at least so much at their ease, that they would want no assistance from the public. Now is that the case? Just the reverse. Their Indian debt, instead of being reduced in the last three years as it ought, if the means were so very abundant in March 1803, I am sure will be found to amount 30,000,000 more or less, I mean on this day. As to the application of this boasted abundance of means and assets to the relief of the company's difficulties in England, I will not anticipate what the court of directors will soon be compelled to tell you on that subject. But perhaps his lordship means that the prosperity and abundance, he alludes to, are to be understood comparatively. Comparatively! with what? why with the state of the company's affairs in the three succeeding years, of which no account has yet been laid before parliament, and of which this house literally knows nothing, except the happy information which they have just now received from himself. In April 1803, the company were nearly overwhelmed with debts and difficulties of every kind; but that, he assures you, was a state of affluence, prosperity, and abundance, compared to the present state of facts, as you are to find it in the accounts of the next three years, whenever they are produced! Then indeed, but not till then, the noble lord may call in the Marhatta war to his assistance. We shall see how far it will avail him. In the mean time, he supplies us with topics of consolation; with which if we are not thoroughly comforted, it must be very much our own fault. Your situation was bad enough three years ago; but that was a state of delight and enjoyment compared to what, he solemnly assures you, you will find to be at present! That is, you were troubled with a plethora in 1803. By copious bleeding and a free use of drastic medicines, those symptoms are removed. Your complaint has taken a different turn. All you want now is a powerful restorative, at the expence of those whom it concerns, to save your life.—I have said, sir, and I affirm it again, because it is true, that I have been, through all my political life, the sincere friend, as I was, for some years, the faithful servant of the India company; that is, the proprietary or body corporate, though not always in their sense of their real interest; which, in my opinion, they have sometimes misunderstood. Of this disposition and conduct I shall give one instance, which, as far as concerns my sincerity, ought not to be disputed, because I could not but know that the opinion I allude to was not at all likely to be favourably received, and because I might easily have withheld it. I endeavoured to serve them then, as I have done in other cases, and in another situation, against their will. So long ago as the year 1777, I represented to his majesty's ministers, and through them to the India company, in a letter which has been published, the evil consequences, which, as I thought, must follow, not only to India but to the company itself, from their continuing to hold the sovereignty of Bengal ostensibly in their hands. It happened, sir, that, in the whole of that representation, I had not only the entire concurrence but the able assistance of the present chairman of the court of directors. In those days we lived together on terms of real friendship and unreserved confidence, which, at that time, he thought no disparagement to him. When the charter was renewed in 1793, as well as on various other occasions, I renewed my arguments and objections on this point. All the documents, that relate to it, are in print. The arguments were never answered; nor, in my judgment, is it possible to answer them. In 1793, and for many years before, their sovereignty, or their political power over the Indian empire, was little more than nominal; nor could it be otherwise. Well, what has been the result? Exactly what they ought to have foreseen. When they determined to be sovereigns instead of merchants, or to unite in the company those two incompatible characters, what could they expect but, whether they liked it or not, to be made warriors and conquerors? that is, that their pretended servants in India, over whom they had no controul nor real authority, would pursue the old game of war and conquest, in their name, at their expence, and finally to their destruction. Look at this result in another point of view; and, if it be not too late, learn wisdom at last from the aweful lesson, which the state of your commercial connexions with the eastern world ought to have taught you long ago. In that part of Asia, in which the India company has been a sovereign, a warrior, and a conqueror, they cannot trade without loss. The sale of their Indian investment, to say the best of it, after paying prime cost, interest, freight, insurance, duties, and charges of merchandise, leaves no profit. Now look at China, where they have no territorial revenues; where they have made no war; and where, I hope, even for their own sake, they will never make a conquest. With that country only, they carry on a beneficial trade. From that trade only, they derive the only profits that enable them still to exist in Leadenhall street.

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* On the 26th of March 1802, the chairman acquainted the court, that Mr. Broderick had sent to him, by order of the board of controul, certain drafts (viz. of orders to be transmitted to India)—that he had laid those papers before the special committee, who had made a report thereupon, of which the following is an extract:—"The committee feel themselves constrained to report to the " court as their opinion, &c. that the letter received " this morning from the board, together with the " two commercial paragraphs to be transmitted to " India, when taken altogether, demonstrate a decided and unequivocal intention of invading and " destroying the commercial rights and privileges " of the East-India company. Still, however, " flattering themselves that those rights, solemnly " and deliberately granted to them by the legislature, will not be forcibly superseded or destroyed. " Resolved unanimously, that this court approve " the said report." Another letter of Mr. Broderick, alluded to by the hon. gent. contains the following passage, on a subject purely commercial: " Under the present circumstances, they (the " board of controul) conceive that it would be unnecessary to send out any paragraphs, the tendency of which might be to occasion uneasiness " in the mind of the governor-general. Dated " 21st July, 1801."

Lord *Castlereagh*, in explanation, stated that his sentiments as to the prosperous state of the company's affairs in the year 1803, were founded on the fact of there being a clear surplus of 1,150,000*l.* after the payment of all charges in India. The reason why the public did not receive the 500,000*l.* on this occasion was, that this sum was payable, not from the Indian funds of the company, nor from the home funds, but from a combination of both. An increased duty laid on teas had produced a diminution in the sale of that article in that year, which, instead of so great a surplus, left a defalcation of half a million, and thus the claim of the public was destroyed.

Mr. *Charles Grant.*—This discussion, sir, has unexpectedly branched out into a variety of topics of great importance, for which I must regret that I am not better prepared. Some observations however, particularly on what has fallen from the hon. gent. (Mr. Francis) I shall beg leave to offer to the house.—The hon. gent. has stated it as his opinion, that the company would have done well to have relinquished the sovereignty of their territorial possessions, and to have confined themselves to commercial pursuits; for that they have, in fact, been ruined by those acquisitions: sir, I differ very widely from the hon. gent. on these points, and think the doctrine he has advanced, respecting the political government of India, a very dangerous one. I consider the East-India company as the fittest organ by which this country can beneficially manage and govern its empire in the east. It is the fittest for securing the possession of that distant dependency to Great Britain, and for securing it without any danger to our own constitution. If the government of India were to be vested immediately in the crown, I scruple not to express my apprehension, that the consequences of such an arrangement would be finally the loss of that country; and if the patronage of India were in the disposal of the crown, our own constitution might be overset; whereas that patronage, in the hands of a numerous body belonging to the middle classes of society, can be attended with no political danger. And here, sir, I cannot refrain from taking the liberty to exhort those distinguished persons who are high in his majesty's counsels, to be extremely cautious of encouraging any idea of altering the constitution which the law has established for British India. After a long acquaintance with that country, I feel myself warranted to say, that no other constitution would be so beneficial or so safe for it. The Indian empire was originally acquired, preserved, and maintained by the company, at their own hazard and with little assistance from the state; and they have since managed it more for the benefit of both countries than for their own; for they derive nothing but their dividend from all their vast concerns. The advantages received from India do not result from investment only. The tide of private fortunes, which is continually flowing to us from it, greatly enhances our national wealth; the customs and duties paid on the commerce with it augment the public revenue; and how much does the possession of an empire there raise the political consequence of this nation? It is true these advantages result rather to the public at large than to the East-India company: but the company are not therefore to relinquish their rights of sovereignty. They have also still a large eventual interest in its prosperity by the settlement of the guarantee fund, although the fatal event which deranged the state of Europe (the French revolution), has hitherto frustrated much of the benefit reasonably expected by us from India. To a period of war during twelve years, the consequence of the French revolution, and to that chiefly is to be ascribed the failure in the annual payment of the 500,000*l.* stipulated to government. The increased expences consequent on European war, and of expeditions undertaken in India against the enemies of this country, absorbed the funds from which that payment was to come. There never was, after the first year, such a surplus as was in contemplation of the law; nor, therefore, has any payment been since made, nor any debt incurred on account of it; but the noble lord (Castlereagh) has explained the whole of this subject so clearly, that I need say nothing more upon it.—The hon. gent. (Mr. Francis) has said, that the company cannot even purchase their investment without loss: that having been habituated to obtain it, in fact for nothing, they fell into habits of extravagance in the provision of it, and lost sight of true commercial principles. I can assure the house, that since the first arrival of lord Cornwallis in India, now near twenty years ago, the company's investment has been purchased as carefully and economically as the goods of private merchants can be. I have something more than mere knowledge for this assertion. The hon. gent. who has brought forward this motion has affirmed, that the company derive no profit from their Indian commerce, indeed that they have no such commerce; but that even their dividends are paid from money borrowed at a high interest in India. Sir, this is a monstrous proposition. I am ready to prove that the company do derive a profit from their Indian commerce even now, when their investments from abroad are much reduced, and the times are unfavourable, and that the dividends of the company arise from commercial profits. The same hon. gent. has said that the company have remitted to India to the amount of 8 millions sterling in money and goods, and that bills to a like amount have been drawn on them from India. These assertions must suppose that the company receive large supplies from India, and in goods too; because goods furnish the only mode in which such supplies can come; else how could the company make such payments here? for their capital is not nearly equal to them, and is so diffused in their concerns as not to be annually revertible to such purposes.—As to the export of bullion to India for the purposes of commerce; nothing is now better understood than that bullion may be employed like any other article of merchandize, and may sometimes be the most advantageous export for the purchase of commodities abroad. So it has often been found in the commerce between Europe and Asia, as well by the ancients as in our own times; and the reason is plain: the mutual wants of Europeans and Asiatics for the commodities of each other are not equal. The Europeans demand more of the productions of Asia, than the Asiatics will take of the commodities of Europe; of course the difference must be paid by the common medium of bullion. But this, if it were a loss to Europe in general, is no loss to this country, because we receive the bullion from abroad in exchange for our own manufactures; and whether we send to India our manufactures, or the bullion paid to us by other countries to them, is much the same. It is true, that for some time after our first acquisition of Indian territory, the large surplus of revenue rendered it unnecessary for the company to continue the exportation of specie. This again, from the diminution of our surplus revenue and the increase of trade, has altered, and bullion is now exported by private merchants as well as the company, upon the truest principles of trade. The company have sent bullion to India for other purposes, and these perhaps the hon. gent. confounds with commercial remittances. A judicious plan was formed a few years ago, principally by the noble lord (Castlereagh) near me, for the liquidation of the Indian debt. The principle of the plan was, by an augmentation of the net surplus abroad and commercial profits at home, to raise a fund of 2 millions annually, for the reduction of the debt. The increased exports of goods and bullion from hence, which this plan required, were accordingly made; but all the bullion, as soon as it reached India, was applied to the purposes of war, which has continued to defeat the effects intended from this salutary plan. From the same unhappy cause the India investments, which were intended to be larger, have fallen short of their usual standard, and in the present year are greatly reduced. With respect to the freedom of the company in the management of their affairs, this is a delicate subject. The law has appointed a board of commissioners to superintend the conduct of the directors in all matters not commercial. The board exercises this superintendance, and from the manner of exercising it, differences of opinion have not unfrequently arisen. But, in matters purely commercial, the court are left at perfect liberty, except as to the amount of funds to be applied in India to the purpose of investment. In the species of goods to be traded in, in their cost and quality, in the ships to be employed, the times of their dispatch, and the sale of goods, the company are left at perfect liberty; but if commercial questions arise, which, in the opinion of the commissioners, involve points of a political nature, they will interfere. Such they held to be the question of the private trade, agitated a few years ago, in which the directors thought themselves hardly treated.—In points of a political and financial nature, the court have often differed with the board; but, having done their duty in stating their sentiments, they have commonly yielded to the authority which the law has placed over them. I have no objection to an investigation into the conduct of the directors; and I am a friend to sober enquiry respecting the application of the company's property; but no advantages can result from such exaggerated statements as the hon. gent. who has made this motion brings forward. In asserting the misapplication of 20 millions of the public money, he is totally unfounded. He will not be able to show the misapplication of one million, nor of a single pound. The debt of the company is undoubtedly a subject of very serious concern; but it has, contrary to the hon. mover's assertion, been enhanced chiefly by the wars which have existed in Europe and India, and the military expeditions fitted out in the latter country by order of his majesty's government, for the expence of which the company have been very imperfectly paid. The debt has rapidly increased within these few last years; it is now above 27 millions, and may be near 30; notwithstanding which, part of the expense of the recent wars in India has been defrayed, as already noticed, by money sent from Europe; and, unless the expences there are materially reduced, the exigencies of India will continue to require supplies from this country: if, above all, the debt goes on increasing, it may be attended with the most serious consequences to the company and to the country at large. The company are, however, not to blame in this, nor the administration at home. The late wars were commenced so suddenly, that there was not time for any instructions from home. I deeply lament the state of our affairs abroad, and the system of policy that has brought the company's affairs into such a state; but on this subject it is not my purpose now to enlarge.—I have heard something, sir, of an intention to move for a select committee, to enquire into the rise of the company's debt. I conceive no committee can be necessary for any such purpose. The company's accounts will clearly furnish the information wanted, without the labours of a committee. The gradual progress of the debt, and the means by which it has been incurred, can be distinctly shewn to this house; and indeed the accounts annually laid before parliament are sufficient for the purpose. I must, moreover, deprecate the manner in which the hon. mover announces his opinions and enquiries to the house and to the public; a manner calculated to do mischief both abroad and at home; to excite suspicions and apprehensions in the public mind, which may even affect the credit of his majesty's government, and unsettle the minds of people in India, who may be doubtful with what designs, and to what extent, such enquiries may be prosecuted; because, instead of confining the enquiry to the subject directly avowed (to investigate which, if sufficient reasons are assigned, there can be no objection), the researches may be consequently carried into many other subjects, concerning which nothing has been before said, and pursued with views not beneficial to the public. For these reasons, I think, all such enquiries into India affairs, unless evidently necessary, and especially undefined enquiries by committees, ought to be avoided.

Mr. *Francis*.—Sir, I did never say, that the mode, now established by law, for governing India, ought at this moment to be changed; no, nor one word to that effect. I said nothing prospectively. The general opinion I alluded to, was given near 30 years ago, and to that opinion the worthy chairman was then, *bonâ fide*, as much a party as myself.

Mr. Secretary *Fox* observed, that the few words of explanation which had just fallen from his hon. friend, rendered it less necessary for him to enter particularly upon this subject. He had understood him precisely as his explanation imported. He agreed that we were not now to revert to original theories; but when we were examining into the causes of important events which were extremely complicated in their nature, it was somewhat difficult to do so without, in some measure, adverting to such original theories. He, however, did n t mean to say that any altera tion ought at present to take place in the general system of Indian government as now, by law, established. He had occasion to state, at a former time, that there was a wide difference between disapproving of measures at their commencement, and afterwards rescinding them when they had been some time in practice. This he had said with regard to the union with Ireland. He had strongly disapproved of that measure when it was proposed, because he was then convinced it was a bad one, and was still convinced that it would have been much better for the country if it had never taken place. He had also disapproved of the plan for the government of India, but what he had said with regard to the union with Ireland, he now said respecting this plan of Indian government. It was, in his opinion, a bad one from the beginning, but as it had been adopted and acted upon, it was not now to be lightly rescinded. In ninety-nine cases of this nature out of a hundred, it was better to put up with many inconveniences arising from the first adoption of a measure, than hazard worse evils by premature and ill-considered alterations and innovations. This was his opinion.—Now, the hon. gent. had said something about a committee to investigate the rise and progress of the debt. This was the first time he had heard of any such committee. But when he said this, he begged leave to be considered as not pledging himself in any way upon the subject. If, however, upon examining into the state of the finances of the company, there should be any thing which, though clear to the hon. gent., might not be so clear to the house in general, he did not say but that in such a case he might think a committee extremely advisable. If, on the other hand, the accounts should place the matter in a plain and clear light, the appointment of a committee would be an useless trouble.—Now, with respect to the details of this debate, he, speaking on the part of the public, would certainly say, that it was a most monstrous proposition to assert that in the year 1803, the state of the company was highly affluent and prosperous. To be sure the act of 1793 only applied to the surplus of the produce. But then it supposed that such a surplus was likely to exist, otherwise it would have been perfectly nugatory from the beginning. We were surely to conclude, that there might be a surplus in such case. This certainly was not too much. But when we find that from 1793 to 1803, a period of ten years, no surplus had in fact existed, and that nothing had been done on the provisions of the act of parliament, such a long experience might be sufficient to convince us that the affairs of the company had not been in the very flourishing state in which they had been asserted to be. But we must say, after the passing of this act, and the long time that had elapsed, during which nothing had been done upon it, that the fair conclusion was, either that the surplus had been misapplied, or that the country had been most grossly deluded, and that, instead of being in a flourishing condition as had been pretended, the affairs of the company had in fact been in a most alarming situation, a situation which ought to have been explained and laid open to the public, instead of being carefully concealed from the public view. In his opinion, the unprosperous condition of the company's concerns had never been sufficiently accounted for. He did not say that he had not heard a great deal on the subject, but what he had heard in general, proceeded on false facts, and false principles. We ought to have the accounts of the company before us, with a view to a full and complete examination, not for the purpose of retrospective enquiry into the conduct of the managers of the affairs of India, with the intention of throwing blame upon any body, but for the purpose of warning us, the present administration, against the errors which others had committed. In one thing the present administration would certainly not follow the example of others, and that was in holding out false and delusive hopes to the country. The hon. gent. (Mr. Grant) had said, and justly too, that it would be mischievous to spread alarm among our friends and inspire confidence into our enemies, when no necessity for it existed. But without pretending to underrate the value of the observation, he must say, that this had been a common-place argument on one side of the question. It might be improper to excite alarm when there was no necessity for it, but it was much worse to conceal danger when it actually existed, and thus lead people on blindfold to their destruction. It was worse in any department of government, but more particularly so in the case of the East-India company. But he would put it to him, whether of late the error had not been committed, much oftener in the way of delusion, than in the way of alarm, at least as far as regarded this subject? Now, experience would teach the wise to avoid those faults into which they had found others most apt to fall. Certain it was, that much less was to be apprehended from too much jealousy than from too much negligence. No objection had been made to the motion of his hon. friend near him (Mr. Francis). He had only been requested to postpone it upon a point of convenience; to which he had properly agreed. Before he sat down, he could not avoid paying that tribute of praise to the industry, perseverance, and clear-sighted policy of his hon. friend, on questions relative to India, which they so much deserved. In his opinion, there was no one subject in his majesty's dominions, whose merit, with regard to the affairs of India, could be put in competition with that of his hon. friend.

Lord *Morpeth* observed, that there appeared to be no objection to the principle of these motions. It would be in the recollection of the house, that the half million which the company had engaged to pay to the public had only been paid in one instance. This was a matter of complete notoriety. He should be sorry to withhold any information; but he submitted to the hon. gent. (Mr. Paull) whether it was necessary for him to press his motions, as they related only to points which were universally known.

Sir *T. Metcalfe* assured the house he would only trouble them with a very few words. It was extremely well known to every member in that house, that for many years past the expences of the company had been very much on the increase; and nothing could be more self-evident than this, that while expences were increasing, there could be no surplus. He only wished on one point to shew, that during the time the 500,000*l.* had not been paid to the treasury, government had received advantages which were abundantly adequate. He begged the house to recollect that at the period when the right hon. gent. at the head of his majesty's government, brought forward the tax of 12½ per cent. on teas, by way of commutation for other taxes, no one thought the company would have afterwards more to pay than that tax of 12½ per cent. Instead of which, the tax on teas had since been raised to 95 per cent. If the duty during that period had continued at 12½ per cent. the company would have paid somewhat more than 5 million, but from the progressive rise of the duty to its present amount, they had paid upwards of 17 million, so that the treasury had received 12 million more than they would have done, if the first stipulation had been adhered to; and thereby the public had derived more advantages than the company, who have been also deprived of that sum towards the discharge of the payments alluded to.

Mr. Alderman *Prinsep* said, he felt as much as any one the danger of alarming the public mind in respect to the state of the company's affairs; but he had thought it his duty, more than once, to state to the house what he thought on that subject, when it occasionally came before them for their consideration. He was now of opinion, that his majesty's ministers, who had lately taken upon them so great a responsibility, ought, in duty to themselves, to cause such investigations to take place, as to satisfy themselves whether the amazing amount of the present debt had accrued from a losing commerce, or from a great increase of military force and military expenditure. They ought to endeavour to find out the means of reconciling the paradox of a surplus and an increasing debt, a flourishing state of affairs, and an exhausted revenue and decreasing commerce, existing at one and the same moment, in the concerns of the same company. He hoped some enquiry, either public or private, would take place, and that speedily; for, as to the present system of revenues and resources, he saw nothing in it but delusion and deception, highly dangerous in their continuance.

Mr. *Johnstone* observed, that he would not trouble the house with many remarks on this business; first, because the question was premature, since it would have come forward much better after the accounts had been laid on the table; and next, because the attention of ministers ought not at present to be turned away from affairs that required their more immediate labours. But he would say, however, that no blame whatever attached to the company, as it was clear from the accounts, that their failure to pay the sum agreed upon to the public, arose from the wars in which they had been engaged. No committee, he contended, was necessary, as every thing was detailed in the accounts in the clearest and minutest manner. And when differences arose between his hon. friend (Mr. Francis) and himself on the one side, and the noble lord (Castlereagh) near him on the other, the cause was, that the noble lord founded all his arguments upon estimates, while they constantly argued from results. There were no differences as to facts.

Sir *Hugh Inglis* said, the reason why government had not participated in the promised payments was, that in 1793, when the charter was renewed, hopes were entertained, that the war would very soon be at an end; but, unfortunately, those hopes had been disappointed, and we had ever since been engaged in war, either with the French or the native powers, and sometimes with both, by which the debt had been enormously increased, and the expences of the war had been placed to the *debit* of the company's accounts, with no other allowance than the difference between a war and peace establishment; and yet, from the account made out since 1793, it would appear, that the company's dividends had been paid out of the profits of their trade. As to a select committee, he was certain nothing could be done by it that would not be better effected by his majesty's ministers forming the board of controul.

Mr. *Paull* replied at some length to the various arguments that had been made against his intended motion for a select committee. The noble lord opposite, (said the hon. gent.) accuses me of reading the act rather hastily: to that observation I shall make no reply. The noble lord (Folkestone) who with so much honour to himself, and advantage to the public, has this night seconded and supported my motions, has made so able a reply, and joined so cordially in my construction of the act, that any observation on my part, would only weaken the arguments of that noble lord; happily, too, I am borne out by the opinion of the right hon. secretary (Fox), of which I am not a little proud. The noble lord has said, that the situation of the company in 1802-3 was flourishing, prosperous, and happy, and their resources ample, and possessed of the means of fulfilling their engagements made in 1793. The present is not the time for the proof of this assertion; but I hold in my hand an opinion not likely to be controverted, that of the directors themselves, which I beg leave to read; it is from the third report of the select committee, dated in the very year 1802, that year so triumphantly referred to by the noble lord. In the third report of the select committee of the court of directors, after alluding to the letter of my lord Melville, they say, "Mr. Dundas (we quote his own words) says: When I saw the Indian debt rise to above 10 millions, bearing interest, and still likely to increase, I thought it my duty to state to you the propriety of restoring to India, from your treasury at home, a part of that balance; and this led me to state, that I was ready to meet the Indian debt, even at the large amount of 14 millions. Every person conversant with the affairs of India, will concur with Mr. Dundas, that the safety of the empire depends, amongst other things, on the comparative magnitude of the debt. He was alarmed, and with reason, when the amount was 10 millions; but, as an exertion, and with a responsibility of which he appears to have felt the weight, he was ready to meet it on the 30th of June 1801, at the large amount of 14 millions. However discouraging the prospect may be (alluding to the debt at 16 millions) it is aggravated by circumstances which never existed before. The establishments are increased, the political resources absorbed, and it is further intended to deprive the company of a resource, essential to save it from utter destruction." It is for the noble lord to reconcile these contrary opinions. The hon. chairman (Mr. Grant) has said, that the trade of the company has been profitable; but what trade, I ask, and I ask it confidently? The trade of China has been most lucrative; for there we have no territory, no armies, no establishments; but I am ready to meet the hon. gent. and to prove, that the investments from Bengal have been purchased with money produced by loans at a high rate of interest, saddled with a farther commission of 10 per cent. to the commercial servants; and that the Bengal commerce during the last five years, has produced a positive loss of not less than 3 millions sterling in the amount invested; and now the debt and interest remain, and must remain to the last hour of the charter, a debt due in India by the company.—The noble lord and the hon. chairman, have maintained, that the increase of the debt has arisen from wars. Now, sir, *primâ facie*, the same, in the first place, is contrary to your laws, and the argument, unless the wars can be justified, a very unsatisfactory one. But I deny the fact; and, if there is one part of lord Wellesley's conduct more to blame than another, it was the unprepared state of our army, in every essential for commencing active operations, when hostilities commenced. So unprepared was lord Lake for taking the field, that government was forced to means unjustifiable, oppressive, and unjust, to enable lord Lake to move from Cawnpore. Let the requisitions made on the vizier, for elephants, camels, horses, bullocks, waggons, and bearers to carry the sick and wounded of the army, decide the question. I deny again, that to the war is to be attributed the alarming state of the debt; it will be found in your system of finance, in the provision of your investments, and in the profuse, wasteful, extravagant, illegal expenditure of the public money by the late governor-general. I was anxious and eager to abstain from all mention of that nobleman on the present occasion; but, when causes unfounded in fact are to go forth to the public, I feel it my duty to state the true causes of the increase of the debt which we so much deplore, however galling they may be to the noble lord alluded to.—Another hon. gent. (Mr. Johstone) has stated this motion as premature, and advised me to stay for the budget. Sir, the budget has nothing to do with the object I have in view; it is to the *errors of the system* I object. Besides who, I ask, attends to the voluminous accounts yearly produced? they are only calculated to tire the reader, not to instruct. But, sir, I repeat again, the correctness of the accounts, and the sums total, are foreign to the object of enquiry I have in view. The system of finance, of commerce, of expence, are all faulty, all defective; and it is to these I wish to apply a remedy through the means of a select committee.—I would willingly comply with the suggestions of the noble lord (Morpeth), did not a sense of duty prevent me. The negatives will prove the breaches of law; and I must persevere in my motions, and divide the house, if they are objected to. One word more, sir, and I have done. The line I am pursuing is to me a troublesome one, and no personal advantage can possibly result to me from it; on the contrary, I know I subject myself to much obloquy and much inconveniency. But, sir, viewing the evil as I do, and perceiving that if a remedy is not speedily applied, an experiment must be tried, that may level with the dust the public funds of Great Britain, I shall, at all events, do what I feel to be incumbent on me; and, should the house neglect the warning I have given, and shut their eyes to the approaching danger, gentlemen will lament when too late their fatal credulity. Under every consideration of the subject, I must take the sense of the house on the motions I have this night made.

Mr. *Hiley Addington* wished that the honourable gentleman would withdraw his motions; because as it was known that there were no such papers as he called for, they were mere nullities, to say no worse. He seriously deprecated the prominent disposition manifested so frequently by the hon. gent. who spoke last, to asperse and criminate the character of a noble person, not now present to defend himself,—and this before any document to sustain his allegations, or any regular enquiry into the noble person's conduct was before the house. At least he was sure if the hon. gent. did not condescend to take the advice he now took the liberty to offer him, he had sufficient experience of the candour and liberality of the house to be convinced that such allegations, thus unsupported by any thing but assertion, would have no weight in their opinion.

Dr. *Laurence* said, that this was a common mode of proving that there were no such papers by having a return to that effect. He supported the motion of the hon. gent. and observed, that it now appeared the noble lord's flattering statement of the abundantly prosperous state of the affairs of the company in 1803, was entirely founded upon a prospective supposition of a permanent peace; whereas, in one month afterwards, his majesty's message was brought down to the house, announcing the explosion of a new war.—Mr. Paull's motions were then put and carried.

HOUSE OF LORDS.

Thursday, February 27.

[Witnesses' Indemnity Bill.] The order of the day having been read for the attendance of the Judges (who were all present), to give their answers to the three questions referred to them, the 1st and 2d of which went to enquire whether, according to law, a witness could demand to answer a question, the answer to which might render him liable to an action for debt, or to a suit for the recovery of the profits of public money? and the 3d, to ascertain whether a witness who, on making a full and fair disclosure, was to be excused from certain debts, could not be legally objected to, on the ground of his being interested?

Lord Chief Justice *Mansfield* delivered the opinion of the Judges, which, with respect to the first two questions, would, he said he feared, leave their lordships in nearly the same state of doubt in which they were before, although his learned brethren and himself had devoted as much attention to their consideration as the time allotted for the purpose would allow. The Judges were, however, upon those two questions, which they considered to be resolved into one, divided in opinion. Those who were of opinion that a witness in such a case could not demur, might be prepared to give a decisive answer to that effect, but with respect to those who were of a contrary opinion, that opinion was qualified by a great number of exceptions, which it was not their province to descant upon under the general terms of the questions, and which, indeed, it would be scarcely possible for them, under a general question, to give a decided opinion upon.—With respect to the 3d question, they were unanimously of opinion, that a witness in the situation described, could not be repelled on the ground of being interested, as whatever was offered, on condition of his making a full and fair disclosure, could legally make no difference with respect to his evidence, he being bound by his oath, by law, morality, and honour, to declare the truth, the whole truth, and nothing but the truth.

Lord *Auckland* expressed his disappointment at the opinion which he had just heard from the learned Judges, which he had expected would have been decisive one way way or the other. In order, however, to obtain an answer, which might perhaps be all that would be necessary, with reference to the bill, he begged leave to propose another question, whether, according to law, any officer or agent employed under any officer entrusted with the application of the public money, could demur to answer to any question relative to the matter in issue, the answer to which might render him liable to any suit respecting the application of such money? This question, however, he was very willing to withdraw, if any other noble lord suggested a better mode of attaining the same object.

It being suggested by the clerk that the answers of the Judges should be delivered in writing, they were accordingly delivered. The answer to the third question was similar to that given verbally by lord chief justice Mansfield. The answer to the other two questions stated, that they were so general in their nature, that the Judges could not give a satisfactory answer.

Lord *Eldon* said, it would be in the recollection of their lordships that he had on a former occasion expressed his doubts, whether they would derive much precise information from the opinion of the Judges upon such general questions. The great difficulty in his mind, with respect to framing more specific questions was, that they could not do so without going into the merits of the case which was to come before them by impeachment, and upon which they ought to preserve their minds clear from all previous opinions upon the subject, until they came before them regularly in evidence.

Lord *Holland* objected to the noble lord (Auckland's) question, on the ground of its being too particular, and protested against the admission of the Judges' answer, because it recognized a principle which he contended was unparliamentary, viz. that questions referred to the Judges should be of a particular and not of a general nature. He was decidedly of a contrary opinion, and had no hesitation in saying, that it had been the uniform practice of parliament before the trial of Mr. Hastings, and that it was essential to the preservation of the independence and dignity of their lordships' house, the highest judicature of the kingdom, to refer no questions to the Judges of a particular nature, but to consult them on the general point of law.—All questions that it could become the house to refer to the learned Judges, were in his opinion reducible to these three heads. 1st, a question of pure abstract law, illustrated by an A. and B. case. 2dly, a question on the practice of the courts below. 3dly, a question on the construction of a particular act of parliament.—If, therefore, this was sound constitutional doctrine, and the Judges were permitted to decline answering questions because they were general, it would follow, either that the house must depart from the principles of their ancestors and the wholesome constitutional maxim of confining their questions to general points, or the attendance of Judges would become nugatory and useless.—The reason of the principle laid down, was obvious. If every particular case was referred to the Judges, we should not be consulting them for the purpose of gaining information upon which we might form our own opinions, but we should be asking them advice upon our own conduct, and consulting them how to regulate it according to law. Were that the practice adopted, and they were required to give opinions on the case, and not simply consulted on the general points of law, there could be no reason stated why the whole body of evidence on a trial, or any other proceeding, might not be referred to the Judges, and they required to advise the house what verdict to give. Such a doctrine and such a practice would be derogatory to the dignity of the house; subversive of the law and usage of parliament; and a virtual surrender of the independence and dignity of the highest judicature in the country, to the practice and rules of the inferior courts. He was therefore convinced that the learned Judges attended on the woolsacks, to furnish their lordships with such information as they might feel necessary towards regulating their conduct, but not for the purpose of being consulted as to what that conduct should be: and being convinced that the recognition of the impropriety of general questions being put to them, would be an acknowledgement that the object of their attendance was for the latter and not the former purpose, and that such acknowledgement would be pregnant with serious evils to the law and usage of parliament, he felt bound to protest to the admission of the answer given in in writing by the Judges.

Earl *Stanhope* said, his noble friend had mistaken the practice of parliament, with respect to the questions referred to the Judges. If his noble friend had, like himself, endured the misery of attending for six years, during the trial of Warren Hastings, he would have known that it had been constantly the practice to refer questions to the Judges, upon specific points, and individual cases. He could not, at the same time, agree with his noble friend, as to the general propriety of requiring an answer from the learned Judges, to a question, respecting an abstract point of law. Such a question might involve both negative and positive relations, and how was it possible for the learned Judges to give a general answer, of yes or no, to a question, which they could not, indeed, answer, without making a thousand, or, perhaps, ten thousand, exceptions to the general rule laid down? With respect to the bill itself, he was of opinion, that there should not be a different law for A. to what there was for B.; and he had an idea, if it was not carried into effect by any other person, of proposing a general law upon the subject, contained in a short bill, according to which, the evidence given by any person respecting any matter in issue, should not be afterwards made use of in any way against him.

The *Lord Chancellor* (Erskine), after briefly stating the circumstances which gave rise, on a former occasion, to putting these questions to the Judges, observed, that it was clear, from the statement of the learned chief Justice, that the learned Judges had not really declined to answer the question, on account of its being of too general a nature, but that they had differed in opinion with respect to the subject matter which that question involved, and, therefore, they could not return a general answer, either one way or the other. He looked up with reverence and respect to the opinion of the Judges; he wished to have their opinion upon such a question; the house had a right to call for their opinion. The variance between the verbal statement of the learned chief Justice, and the answer delivered in at the table, was obvious to the house; it was also clear that the difference of opinion amongst the learned Judges was, not as to the form of the question put to them, but upon the merits of the question itself. Under these circumstances, therefore, he thought that the house was entitled to call for an opinion from the Judges, and, as they could not agree, that they should deliver their opinions *seriatim*. He, at the same time, wished to pay the highest deference to the opinion, upon this subject, of his noble and learned friend (lord Eldon).

Lord *Grenville* perfectly concurred in what had fallen from the noble and learned lord on the woolsack. He wished to pay every respect to the learned Judges, but their lordships were entitled to an opinion upon the questions referred to that learned body; and, however painful or unpleasant the task, they must do their duty. He concurred in the propriety of hearing the Judges *seriatim*.

Lord *Hawkesbury* also agreed that the Judges should be heard *seriatim*; the only question appeared to him to be as to the mode of getting rid of the answer to the first two questions which had been delivered at the table. It occurred to him that the best mode of doing this, would be to consider that answer as not having been delivered, and that it should be understood that the learned Judges were to deliver their opinion upon the question, as if no such answer had been given. With respect to what had fallen from his noble friend (lord Holland) as to the proceedings of the house being controlled by the opinion of the Judges upon specific points, that opinion was not sanctioned by precedents, one of which occurred to him at the moment—the case of Dr. Sacheverell, in which the house acted in direct opposition to the unanimous opinion of the Judges. As to the idea started by the noble earl (Stanhope) of a general law to prevent the evidence of witnesses from being used against themselves, he thought it would not have the effect which the noble earl proposed, as, if the witnesses were compelled to disclose facts, that disclosure might afford a clue for proving those facts against them.

Lord *Auckland* withdrew his motion.

The Earl of *Radnor* thought the Judges ought to be called upon to deliver their opinions *seriatim.*

Lord *Eldon* said, he felt it incumbent upon him to state, that he gave too positive an opinion upon the point involved in the bill. He had said, that there was no doubt that a witness had no right to demur to a question, the answer to which might involve him in a civil suit; that opinion he must now retract, as he found there were doubts upon the subject amongst persons of high legal authority. He concurred in opinion that the Judges should be heard *seriatim*, and therefore moved that the Judges, having given a decided opinion in the negative as to the third question referred to them; and it having been stated that they differed in opinion as to the other two questions; that they should be heard *seriatim* upon those questions, and that they should attend to-morrow for the purpose of delivering their opinions.—This motion was agreed to, and on the motion of lord Holland the further consideration of the bill was postponed till Tuesday, for which day the lords were ordered to be summoned.

HOUSE OF COMMONS.

Thursday, February 27.

[MINUTES.] A message was brought from the lords, stating that their lordships had agreed to the five millions exchequer bills bill without any amendment.—Dr. Duigenan brought in the Irish first fruits bill, which was read a first time.—Mr. Francis moved for, extracts of any letters or accounts received from the presidency of Bombay, relative to the sum of 31,25944 Bombay rupees, inserted in the account of their disbursements, from the year ending the 30th April 1803, and said to be money lent to the Guicowar. Lord Morpeth stating that there was no objection to the motion, the same was agreed to.—On the motion of lord H. Petty, it was ordered, that there be laid before the house, an account of any offices in Ireland, that may have been granted to two or more persons, for their concurrent lives, with benefit of survivorship.—On the motion of lord H. Petty, it was ordered, that there be laid before the house an account of all the duties retained and not drawn back, on the exports of foreign and colonial goods, from Great Britain to Ireland, during the years 1801, 1802, 1803, 1804, 1805, and to the 6th of January 1806. As likewise a similar account of duties on similar exports, from Ireland to Great Britain, down to 5th January 1806.—The secretary at war moved for leave to bring in a bill for extending the liberty of enlisting foreign soldiers into the service of this country, and for indemnifying those by whom the enlistments had been made. The right hon. gent. stated the fact of an excess to the extent of 3,000 men, beyond the provisions of the former act, having lately taken place in recruiting the German legion, while in Hanover; and that it was deemed expedient that no time should be lost in acquainting parliament of this circumstance, and asking indemnity. Leave was accordingly given to bring in the bill.—Sir P. Stephens brought in the marine mutiny bill, which was read a first time and ordered to be read a second time to-morrow.—On the motion of lord Morpeth, a variety of papers, comprising the details of the revenue and expenditure of the different presidencies of India, were ordered to be laid on the table, preparatory to the bringing forward of the India budget.—On the motion of Mr. Fitzgerald, the Irish lands partition bill went through a committee.—On the motion of lord Temple, the house went into a committee on the Greenland whale fishery acts. After some conversation between Mr. Lee, lord Temple, and Mr. Vansittart, a resolution was agreed to, that leave be given to vessels engaged in the Greenland whale fishery, to complete their number of men at certain ports for the present season.—On the motion of Mr. Vansittart, it was ordered, that there be laid before the house an account or estimate of all duties of customs and excise in Great Britain charged and outstanding on the 5th of Jan. 1805, and on the 5th of Jan. 1806, respectively, distinguishing the several articles, and temporary from permanent duties.

[Affairs of India.] Lord *Folkestone* said, that though there had been some difference of opinion as to the propriety of investigations into the expenditure of the monies of the company, he presumed to think there could be no objection to the motion he had now to make, which was, "That there be laid before this house, a list of all pensions payable by the East-India company, and a return of all sums of money granted, by way of gratuity, by the court of directors to individuals, from the year 1793 up to the present time: specifying the services and considerations for which such pensions and sums of money have been given and granted respectively."

The *Speaker* intimated, that if any hesitation appeared in the house to accede to this motion, the noble lord had better content himself, in conformity with what he (the speaker) conceived to be a rule established in the house, with giving notice of his motion for a future day.

Lord *Folkestone* declared himself hostile to the practice, or to the establishment of any such rule. Particularly in such a case as the present; where no possible objection could be made to the motion, he by no means conceived himself bound to give notice of it. If, however, the house should determine to establish such a rule, he trusted that its operation would not be partial, but that it would be rigidly adhered to in every instance.

The *Speaker* trusted that the house would do him the justice to believe, that he was influenced by no motive in the remark that he had made, but the wish to uphold their received practice. Since he had enjoyed the honour of sitting in that chair, it had certainly been the received practice, not to entertain any motion of a public nature, without a previous notice, except, indeed, the annual accounts, &c. which were mere matters of course. The reason of this usage was evidently to prevent the house from being under the disagreeable necessity of rescinding on one day what they had agreed to in the day preceding, in the absence perhaps of those members who were competent to judge of the propriety of the question. If however, the house thought proper that this practice should be abandoned, it was for them to express their pleasure.

Lord *Folkestone* repeated his objections to the practice of giving notices. It would be better to get rid of any obnoxious motion, by calling for the previous question.

Mr. *Francis*, as an old member of the house, felt himself entitled to express his opinion on this subject. During the two first parliaments in which he had held a seat, no such practice was resorted to, except on very particular oscasions. The present motion was not one of those which appeared to him to require previous notice. It was not a political question; it was a question, the propriety of which could not admit of debate, as it merely related to the public expenditure, information concerning which, the house, as guardians of the public purse, must ever be solicitous to obtain.

Mr. *Perceval* spoke in favour of the prevailing practice, and thought no member could object to give notice, unless he had a disposition to take the house by surprise. There might be times, he observed, when, perhaps, there might be only one member of that house capable of judging of the propriety or impropriety of producing papers. That member might be absent on one particular day; but if a notice were given, he would, of course, feel it is duty to attend to it.

General *Tarleton* thought, that, in the present instance, there was one good and sufficient ground for requiring a notice, as there happened to be no more than one India director then present in his place.

Mr. Secretary *Fox* said, he considered the practice of giving notice on ordinary occasions, as an abuse which was so long suffered to prevail, that it was not at present easy to get rid of it immediately. In the present instance, however, he saw no occasion whatever for a notice, as he did not understand that there would be any objection to the motion. If any member of the court of directors stated any reason why he might wish for delay, he made no doubt but the noble lord would willingly consent to it. The practice now attempted to be enforced, he could only consider as a general instance of relaxation of duty, and was not to be found in the original constitution of parliament. In a constitutional view, every member was supposed to be bound to attend upon all questions relating to the supplies, the ways and means, and every expenditure of the public money. Whatever modes might latterly have prevailed, he confessed, that he liked the old practice better, which was to attend to all subjects of grievance; and he was convinced that the custom of giving notice on such occasions was not founded on the principles of the rights of parliament.

Mr. *P. Moore* thought a notice to be unnecessary, at least if no objection were stated to the motion.

Lord *Folkestone* explained, that he wished some general rule to be at once adopted, in this respect, to regulate the proceedings of the house. It was in the power of any gentleman, who felt any difficulty or objection to his proposition, to move an adjournment of the debate, which he should not object to, if any sufficient reason were given for it.

Mr. *Lee* was of opinion, that this question should at once be decided, one way or other. The right hon. secretary (Mr. Fox) appeared to him rather to incline to a notice being given in the present instance, conformably to practice. What he wished to suggest was, that it should be made a part of the law of parliament, for every member to desist from pressing a motion without notice, if it should be objected to; for if no precise rule were suffered to obtain, there might be no end to such desultory debates. The motion was then put and carried.

[Volunteers.] Mr. *Whitbread* rose to submit his promised motion, for a return of the effective volunteer force, to which as no opposition had been manifested when he gave his notice, he trusted none would now be made. There was no subject on which it behoved the house and the country to be more completely informed than the present. They had been buoyed up with the most magnificent descriptions of the state of the voluntary defence, and it was now highly expedient to ascertain the actual fact. At such a crisis as the present, this was particularly indispensible. It was of the utmost importance, previous to the sums being voted for the clothing and expences of a considerable portion of the volunteer establishment, that the house should know what number of men were likely to take the field in case of emergency. He was sure that his hon. friends, who were near him, would give this subject all the attention that its great importance demanded. Were it not for this conviction, he should consider it his duty himself to found a motion on the papers, for which he should on that evening move. As it was, however, he should leave it with perfect confidence in their hands. One additional remark he would make, which was, that not only the number of effective men should be clearly ascertained, but that the rank of the officers should likewise be considered and arranged. He was himself in the command of a volunteer corps, and he was solicitous that neither he, nor any other officer in a similar situation, should be circumstanced in that particular in the way in which he now was. He would say no more on the subject at present, but rest satisfied with moving, "that there be laid before the house, an account of the returns of the different volunteer corps of cavalry, infantry, and artillery, in that part of the united kingdom, called Great Britain; describing the effective strength of each corps, together with their state of discipline, and fitness for service, as reported by the general officers and inspecting field officers of the different districts throughout the kingdom, in their last returns; and also the names of the officers by whom such returns have been signed."

General *Tarleton* was very happy to give his support to the motion. The volunteers and the public at large were anxious to know, whether or not any new measure of defence was to be adopted. It was now near March, a period at which a campaign usually commenced, and this circumstance, added to the dangers with which the country was threatened, pointed out the necessity of expediting as much as possible any military plans that might be in contemplation.—The motion was then agreed to.

[Earl St. Vincent.] Lord *Henry Petty*, previous to moving for a committee on his majesty's message relative to earl St. Vincent, acquainted the house, that he had his majesty's commands to recommend to them that the annuity now limited to the two heirs male of the noble earl, should be extended to the two next heirs of the peerage in succession. It was his duty to add, that when the pension was first granted it was so continued, but it had happened that in proceeding through the house it became limited. He thought it right, distinctly to state this, to shew that it was no new favour granted to earl St. Vincent, although he had no doubt if it were so, that the undiminished zeal with which at his advanced period of life, the noble earl was sacrificing his ease, and devoting himself to the service of his country, would induce the house cheerfully to accord with such a proposition.

Mr. *Rose* corroborated the statement of the noble lord, that it certainly was intended when the grant was first conferred on earl St. Vincent, that it should devolve to the two next heirs of the peerage in succession. He felt it a duty which he owed that noble earl to declare, that when the subject of extending it was first mentioned to him, he had said that he felt himself sufficiently rewarded, and requested, that if any thing farther were in contemplation, it might be done without his interposition.—His majesty's recommendation, as just communicated by the noble lord, having been ordered to be referred to the same committee, the house resolved itself into a committee on his majesty's message respecting earl St. Vincent; when a resolution was agreed to, in conformity with the said message; and the house having been resumed, the report was ordered to be received tomorrow.

[Treasurer of the Ordnance.] Lord *Henry Petty* rose to move for leave to bring in a bill for the better regulation of the office of treasurer of his majesty's ordnance. The principal object which he proposed by this bill, was to afford the public that security for the due administration of their money, to which they were entitled, by making it a legislative provision that all balances remaining in the hands of the treasurer should be deposited in the bank of England. It was true that there existed an order given by the board of ordnance to that effect; but it was desirable that the public should have better security than the mere act of any board, that the money which had been voted for particular purposes should be appropriated to those purposes, and to no others. As he was on the subject, he would take this opportunity of giving notice, that it was his intention to move for leave to bring in bills for enforcing similar regulations, and carrying into effect a similar principle, in the post office, excise office, custom house, &c.

Mr. *Long*, after bearing testimony to the measures which lord Chatham, whilst in office, was pursuing to the same effect, expressed his satisfaction at finding that the same regulations were meant to be extended to all the public offices. He thought, however, that in the course of this arrangement, if the money accruing were, in all cases, to be deposited in the bank of England, it may be a proper consideration, whether there should not be increase of salary to the officers who heretofore had the benefit of holding sums of money for some time in their hands.—Leave was then given to bring in the bill.

HOUSE OF LORDS.

Friday, February 28.

[Minutes.] Lord viscount Anson was introduced with the accustomed formalities, sworn, and took his seat. His lordship's supporters were, viscounts Newark and Curzon.—The earl of Lauderdale, a Scots Peer, was also introduced, in full form, sworn, and took his seat, as baron Lauderdale, a peer of the united kingdom. His lordship's supporters were, lords Holland and Walsingham.—The earl of Donoughmore, one of the Irish representative peers, was sworn and took his seat.—The royal assent was given, by commission, to the five millions exchequer bills bill, lady Nelson's, and to sir R. Strachan's annuity bill.

[Witnesses' Indemnity Bill—Opinion of the Judges.] Pursuant to an order of the house, the learned Judges again attended this day, for the purpose of delivering their opinions *seriatim* on the questions arising out of the discussion on this bill, and which had been previously referred to them; the principle of these, and on which a difference of opinion among the law lords was last night stated to obtain, was, in effect, whether a witness, according to law, was bound to answer questions relative to the matter in issue, the answers to which do not tend to accuse himself, but may establish, or tend to establish, that he owes a debt recoverable by a civil suit?

Mr. Baron *Sutton* as the junior judge, first rose to deliver his opinion. The learned baron, in the course of his argument, referred to a variety of legal considerations, cases, and decisions; on his view of which he grounded his opinions. These, considering the point as a general rule of law, liable, however, to various and numerous exceptions, dependent on circumstances, &c. were, that such witness was bound to answer. In the course of his illustrations he referred to a case, which he seemed to put hypothetically, viz.

that of a prisoner on trial for his life, on a charge of forgery, and a most important witness to be brought forward to answer the question, whether such name or signature were his hand-writing or not? would it, in such a case, be allowed to him to object, on the ground, that the answer might render him liable to a civil debt?

Mr. Baron *Graham*, after stating the difficulties in which the question was involved, declared that, in his opinion, the general rule of law was, that a witness was bound to answer every question touching the issue to be tried, with the exception only of such questions as would expose him to a criminal prosecution, or to a penalty or forfeiture. In the courts of equity it was the daily practice to force parties to answer the matters alleged against them, whatever pecuniary loss such answers might subject them to. The justice and the reason of this rule applied equally to the courts of law, although it was not the custom there to examine the parties, as it was in chancery, where their customs were derived from the civil, instead of the common law. Although, in the courts of law, a party could not be made a witness, yet those persons, who were brought forward as witnesses, were equally bound to declare the whole truth, as the parties would be in a court of equity. If it were not so, the most monstrous obstructions would be thrown in the way of justice; those persons who were the best qualified to give important evidence, might generally shelter themselves under that plea. It was, however, every day seen, that pawn-brokers were brought in evidence upon the prosecution of thieves, and stable-keepers on the trials of horse-stealers; and in neither of these cases, would it be permitted, for the pawn-broker, or the stable-keeper, to refuse giving testimony, on the ground of their answers obliging them to restore those things which they had so improperly received. If this were the law, whatever inconveniences might result from it, witnesses would perpetually claim this privilege, either from fear, or through favour. The point had not as yet been settled by any solemn decision, after a full argument; but, from all the lights that he could derive, and from the monstrous inconvenience that would result from the contrary supposition, he declared his opinion, as to the first question, that a witness is bound to answer all such answers as do not expose him, either to criminal prosecution, penalty or forfeiture; and as to the second question, that the same rule applies to the witnesses on a trial, or a suit, where his majesty is either plaintiff or prosecutor.

Mr. Justice *Chambré* was of the same opinion. In the courts of equity, not only a person might be compelled to answer questions which would severely affect their pecuniary interests, but bills of discovery were filed, for the express purpose of obtaining an answer upon oath, which answer might be read as evidence in the courts of law. The rule had been laid down by lord Mansfield, which had been generally considered as the true one, that in all cases where a witness could be forced to answer by a court of equity, in order that his answer might be read as evidence in a court of law, in all such cases, a court of law should compel him to answer at the trial. The only cases where a party could refuse to answer in a court of equity, were, when such answer would expose him to either criminal prosecution or to penalty or forfeiture. This was what he conceived the rule also at common law, and that it most unquestionably ought to be the rule, for he thought there could be no reason assigned why a man should conceive himself privileged to conceal the truth, or to refuse to do justice between A. and B. on the ground that if he did so, C. might have an action against him; which would be to say in other words, "the public must not call upon me to give evidence, or do justice between A. and B. because such evidence might prevent me from acting unjustly by C. or D. to whom I should wish to act unjustly, and from whom I should wish to withhold a just debt." As to the authorities upon the point, there were on one side a great variety of opinions, expressed at *Nisi Prius*, and on the other, the rule so laid down by lord Mansfield, and which he now considered to be the law with respect to evidence. There had been also a case in the court of exchequer, where an attachment was ordered against a witness, for refusing to answer on these grounds. When he considered the practice of the courts of equity, and the manner in which this practice had been adopted in the courts of law, and also when he considered the great obstruction which would be thrown in the way of justice, if the contrary practice should prevail, he should give his decided opinion, that a witness was bound to answer questions, which did not expose him to criminal prosecution, penalty, or forfeiture, even although his pecuniary interests might suffer by such answer.

Mr. Justice *Le Blanc* agreed most decidedly with the opinions which had been delivered by the judges who preceded him. He considered that it would be subversive of justice, and a thing not to be endured, if agents, brokers, or persons who managed insurances, were to decline being examined on the ground of their being themselves made liable to a civil action. Although he professed the highest respect for the authority of those judges who held the rule to be the other way, yet it must be recollected that the point had never been seriously argued before, or probably those great and learned judges might have altered their opinions. He had always held that witnesses could be compelled to answer questions, even although their answers might expose them to civil actions, and the more he considered the practice of the courts, and the reason on which it was founded, the more he was confirmed in that opinion. He, therefore, agreed with his learned brethren in the answers they had given to the questions that had been submitted to their opinion.

Mr. Justice *Grose* differed in opinion from the learned Judges who had preceded him. He conceived, that, by the mild laws of this country, no man was bound to criminate himself, or to give evidence against his own pecuniary interest, and perhaps to his utter ruin. It was allowed, that neither in a court of equity, or at law, was a man bound to answer what might expose him to a penalty or forfeiture. He could not see the reason why a man should be excused from answering questions which might expose him to the penalty of five pounds for killing a hare, and yet should be obliged to answer questions which might expose him to ten thousand pounds in damages, or to lie in jail all his life, if he should be unable to pay those damages. This difference, it appeared, was more grounded upon practice than upon any principle. The practice, however, of the courts of equity differed most materially from that of the courts of law. In the courts of equity, although the parties were liable to be compelled to answer upon oath, yet they had time for due deliberation and legal advice, and besides the answers could not afterwards be misrepresented. It was very different, however, in a court of law, when a question rapidly put by an ingenious lawyer, and answered without consideration, might expose the witness to ruin. If this answer could be given against him as evidence in another trial, it would be given in without the witness having any opportunity to explain his answer. There were many other differences between the rules of evidence in the court of equity, and those of common law. In the former, an infant could not be compelled to answer, in the latter he could. He did not consider that the principle laid down by lord Mansfield was entitled to more weight, than the opinions of so many great and eminent Judges, who had determined the other way. His opinion was, therefore, contrary to the opinion expressed by his brother judges.

Mr. Justice *Lawrence* said, that he had always, until this question was agitated, considered that the rule of law was, that a witness was excused from answering such questions as involved his pecuniary interest, and, so thinking, he had concurred with other Judges in refusing a new trial moved for on that very ground. The fact was that, till the present question was started, there had been no solemn argument upon the subject, and he had never turned his mind particularly to it; but upon the present occasion, having felt it his duty to consider the subject with the utmost attention he could give to it, he had changed his opinion as to the rule of law, and was now inclined to consider that it was different from what he had formerly supposed. Whichever way the general rule lay, that rule had many exceptions;" and, although he could see many inconveniences resulting from the affirmative, as well as from the negative of the question which had been put to the Judges, yet he thought the mischiefs resulting from the negative of it considerably predominated. He therefore now considered, that the general rule of law was, that a witness was bound to answer questions, although he might become liable to a civil action in consequence of his answers.

Mr. Justice *Rooke* coincided with his learned brother (Mr. Justice Grose) in his opinion, that a witness was not bound to answer questions which might materially affect his pecuniary interest. He did not apprehend such evil consequences from this rule, as those who held an opinion contrary to his. Prosecutors and plaintiffs seldom came into court so badly provided with testimony, as to rely entirely on what they were to pick up by cross-examination from an unwilling witness. Neither did he think that they would decline answering on a pretence of their pecuniary interest being endangered, if, upon examination, it appeared that their interest was very minute. He thought a much greater danger would result from allowing a hasty answer, unexplained, and perhaps incorrectly taken down, to be read as conclusive evidence at a trial. There was a case determined against this doctrine, but he thought it was an extreme hard case. It was that of lord Keith, who, by an answer he gave in an insurance cause, where he was called as a witness, subjected himself to an action, in which 10,000*l.* damages were given against him. No court of equity could have compelled him to state every irregularity he might have committed when commander in chief of a fleet, and yet a hasty answer at *Nisi Prius* was given as evidence against him. He considered that evils of this kind were worse than would follow from the rule being the other way. As to the courts of equity, whatever analogies might be drawn, he did not consider that judges of the common law were bound to go into the court of chancery to find out what rules of evidence were received there. In the whole of his practice at the bar, and of his experience on the bench, he considered that witnesses might object to being examined on matters that would expose them to civil actions. He thought that no third person had a right to extort from a witness what debts he owed, what slanders he might have spoken, or what trespasses he might have committed, which would expose him to actions. If that were the rule, it would change the whole practice of the law, as dishonest practitioners would bring actions against one person, merely to extort evidence against another. He, therefore, was of opinion, that a witness was not bound to answer questions which would prejudice his pecuniary interests, and expose him to civil actions.—After Mr. Justice Rooke had finished, the further hearing of the Judges was postponed till to-morrow.

HOUSE OF COMMONS.

Friday, February 28.

[MINUTES.] A message from the lords requested the attendance of the house at their lordships' bar, where the royal assent was given by commission to the exchequer bills act, lady Nelson's and sir R. Strachan's annuity act.—Lord Temple brought in a bill for enabling the vessels employed in the Greenland whale fishery to complete their crews; which was read a first time, and ordered to be read a second time on Monday.—The secretary at war brought in a bill to enable his majesty to employ a greater number of foreign troops. Read a first time, and ordered to be read a second time on Monday.—A petition of the president and members of the board of agriculture was presented to the house, and read; setting forth, "that his majesty having been pleased, in consequence of an address from this house, to constitute, by letters patent under the great seal, a Board of Agriculture, for promoting the internal improvement of the country, the petitioners have the satisfaction to acquaint the house, that the important purposes intended by that institution are carrying on, and are likely to be attended with beneficial effects to the public; and therefore praying, that they may be supported by a grant for the present year to such an amount as to the house shall seem meet." Ordered to lie on the table.—A petition of the committee of the company of merchants trading to Africa, was presented to the house; setting forth, "that in consideration of the various increased expenses of the establishments in Africa, and the cost of the articles required for the payment of the same, parliament was pleased to grant the sum of 18,000*l.* for the support of the said establishments last year, which sum has been invested for that purpose; and therefore praying the house to grant the petitioners the like sum, for the support of the said establishments." Ordered to lie upon the table.—Lord Temple rose, to observe, that an omission, that might be attended with much inconvenience, had taken place in the Corn Regulation act of last session. No clause, allowing the export of corn to our garrisons abroad, had been introduced into it. To remedy this omission, he gave notice of his intention to move for leave to bring in a distinct bill, permitting such exportation, on Monday next.—Lord Temple also moved, that the house should then resolve itself into a committee, to consider the exportation of wool and woollen articles from the British colonies to the united kingdoms.—Sir P. Stevens brought up the marine mutiny bill, which was ordered to a committee on Tuesday next.—Mr. Alexander brought up the report on lord St. Vincent's annuity bill. The resolution, that the annuity should be extended to the two next heirs of the peerage, was read, and a bill ordered to be brought in accordingly.—Mr. Johnstone stated, that several important papers relative to the affairs of India had been laid before the general court of proprietors by the court of directors, which it was material to have before the house; and therefore gave notice, that he should on Monday next move, that these papers be laid on the table.—On the motion of Mr. Vansittart, the former orders of the house for the production of certain accounts relative to the augmentation or diminution of salaries, &c. in the public offices in Great Britain and Ireland, were discharged. He then moved, that there be laid before the house, an account of the increase or diminution that may have taken place in the number and amount of the salaries, emoluments, and expences of the different public offices in Great Britain, to the 5th Jan. 1806, specifying the dates of such increase or diminution, and the authorities for the same. Ordered. A similar order was then made for Ireland.

[AFFAIRS OF INDIA.] Mr. Alderman *Prinsep* rose, to make the motion of which he had given notice yesterday. The object he had in view was to ascertain the proportion our commerce with India bore to that with China, and the relative amount of the capital borrowed in India, for the prosecution of each trade. He had another object in view, which was to ascertain whether the amount of stores was or was not included in the account of territorial revenue applied to commercial purposes. He conceived it very material to have these objects elucidated, and he thought they would be explained by these papers. He moved, therefore, "that there be laid before the house an account, shewing the annual amount of stores and merchandise respectively exported by and for the service of the East-India company to India, from the year ending the 1st of March 1793, to the 1st of March 1804; together with the expenditure and sales thereof at each presidency, and the respective balances in store and afloat, on 30th April 1793, and 30th April 1803, as far as the same can be made out. Also, an account, shewing the annual amount of bullion, stores, and merchandise, respectively exported by and for the service of the East-India company to China, from the year ending the 1st of March 1793, to the 1st of March 1804; together with the sales thereof at Canton, and the respective balances in store and afloat on 30th April 1793, and 30th April 1803, as far as the same can be made out."

Mr. *Francis* seconded the motion. He was determined to second and support every motion, the object of which was to obtain information of the commercial and financial affairs of the company, unmixed with political matter, and thus to promote the great point he had so long looked to, to save the company from ruin, and with the company the country, which would have to bear the burden of the ruin, if the company should fall. He complained, that the directors never gave an answer, even when papers of the slightest moment were moved for. The board of controul always came forward, or one was always referred to that board. The constitution of the company required, that the directors should act in the first instance; and that the board of controul should interfere only when it was necessary to check them. He did not like that the court of directors and the board of controul should act together as they had done for some time. This had not so much the appearance of a laudable harmony, as of a secret understanding.

Mr. *Hiley Addington* thanked the worthy alderman for having given notice of this motion, a consideration which he hoped the house would think due to a new board, yet unacquainted what papers ought or ought not to be produced. He saw no objections to these papers; only, as an account of the bullion exported to India had been already ordered, it would be advisable to omit it here. These papers, however, could not be produced very soon, as the clerks were employed in preparing the accounts for the India budget. The board of controul did not wish to interfere with the court of directors; but, as a great responsibility rested upon the board of controul, it wished to discharge its duty; this, however, without interfering with the proper objects of the company's care, and without resisting the production of any necessary information.

Sir *T. Metcalfe* said, that however much the hon. gent. who seconded the motion might vaunt himself the company's friend, he never could consider him as such. As to the reserve shewn by the court of directors on motions for papers, it was sufficient to state, that all the papers were in the office of the board of controul, and that no director could, without a violation of his oath, produce any one paper without the consent of that board. The East-India company was not an insulated company, but a company whose interests were blended with those of the country. He would avail himself of this opportunity to explain the capture of the letters in the Hope Packet, dwelt on in such a criminatory manner by the hon. gent. on a former night. The Hope was a country ship, taken up by the government of Bengal to bring home the dispatches. On her passage she fell in with Linois, in the Marengo, accompanied by the Pelle Poule, by whom he was taken. The boxes containing the dispatches were prepared to be sunk, with sand bags tied to them. The captain did not arrive here till July, 1805, when he underwent a short examination, as every captain in the company's service did, however fortunate his voyage might have been. Captain Dunbar, of the Hope, stated, that a chain-shot had cut the ends that fastened the sand bags to some of the packages containing the letters: and thus these packages floated when thrown overboard, and were picked up.

Mr. *Francis* warmly replied, that the dispatches, even if shot away, could not have floated, if loaded with chain-shot, as was the custom in his time: but, if the house were satisfied with the strange explanation now given of it, he had done with the business; though *primâ facie*, a communication of intelligence to the enemy was a high crime and misdemeanour; and, if done designedly, which he did not think to be the case in this instance, would amount to high treason. But, whatever he might think of that transaction, he believed it to be true, that the court of directors was under the guidance of his majesty's ministers. The hon. baronet seemed to insinuate, on other occasions, as well as the present, that he was the enemy of the East-India company. Whoever thought so, should bring it forward boldly, in the way of accusation; and, if defiance and challenge could do any thing with the hon. baronet, he would defy and challenge him, or any man, to bring forward and substantiate such a charge against him.

The *Speaker* here reminded him that he was out of order.

Mr. *Francis* then said, he must submit to authority; but would beg leave to state, in explanation, that he still continued to think and assert, that in all motions for papers, the court of directors was absolutely nothing.

Sir *T. Metcalfe* in explanation, said, that as the hon. gent. often vaunted himself to be the true friend of the East-India company, he considered it no attack on him to say, that he never thought him so.—After this, the motions were agreed to.

HOUSE OF LORDS.

Saturday, March 1.

[WITNESSES' INDEMNITY BILL—OPINION OF THE JUDGES.] The order of the day was read for the remainder of the learned Judges to deliver their opinions, *seriatim*, upon the question of yesterday; the general effect of which was, "whether, according to law, a witness is bound to answer questions relative to the matter in issue, the answers to which do not tend to accuse himself, but establish, or tend to establish, that he owes a debt recoverable by a civil suit?"

Mr. Baron *Thompson* said, he could find nothing in any of the legal writers which was satisfactory on the subject involved in the questions referred to the Judges; but, from the best consideration which he was enabled to give the subject, he was of opinion that a witness, under the circumstances mentioned, was not compellable to give evidence of facts which might be afterwards used against himself.

Mr. Justice *Heath*, as a general rule of law, was of opinion, that witnesses under such circumstances, were compellable to answer.

Lord Chief Baron *Macdonald* deprecated the consequences which would ensue from the establishment of such a principle as that a witness was not compellable to answer where that answer might tend to acknowledge a debt recoverable by civil suit, as in that case a witness interested to the amount of five shillings, by refusing to give evidence might defeat the just claim of a party to ten thousand pounds. In the court in which it was his lot to preside, it would also be productive of the worst consequences, as in revenue causes witnesses would on such a ground very frequently demur and prevent the truth from being ascertained. Judging from precedents, and from the law and reason of the case, he concurred in opinion with Mr. Justice Heath.

Lord Chief Justice *Mansfield* entered at considerable length into a contrary line of argument. He had ever considered it as an established point of law, that a witness was not compellable to answer any question, the answer to which might subject him to a civil action. He travelled the western circuit for many years, at a time when the Judges who usually went that circuit were lawyers of the greatest eminence, as were also the leading counsel who went that circuit, and he was as fully convinced, as that he was then addressing their lordships, that all those eminent lawyers were of the same opinion. The same opinion he always understood to be entertained in Westminster hall, and it was so decided by lord Kenyon in a case, where an action was brought by a person against another who had been his clerk, for money alleged to have been received for the use of the plaintiff. The defence was that the money had been paid over to another clerk of the plaintiff's, of the name of Wright, who was authorized to receive it. Wright was called to prove this, who stated that no money was due from the defendant to the plaintiff. The counsel for the plaintiff (Mr. Erskine) then asked the witness if he knew of any other person who owed money to the plaintiff, but was stopped by lord Kenyon, who immediately declared that the witness was not bound to answer against himself. This therefore seemed to be a point of law so clearly established, that there had been no doubt about it. The reverse of such a principle would, in his opinion, be productive of the worst consequences. Besides the case of lord Keith, which had been already mentioned, he remembered a case which happened in 1771 or 1772, where a gentleman from India, in consequence of some acknowledgments which he made in evidence before a committee of the house of commons, was subjected to two actions where the proof against him consisted of the evidence given by himself, and in which he had a verdict against him for 2,000*l.* in one action, and 1,000*l.* in the other. After going through a variety of other arguments, he concluded by giving it as his opinion, that a witness under the circumstances mentioned, was not compellable to answer.—After the learned chief justice had delivered his opinion,

Earl *Stanhope* rose, and observed upon the very material difference of opinion among the Judges. They differed, not only in principle, but as to the extent of particular rules. The inconvenience of leaving the law in its present uncertain and unsettled state, was too obvious to require illustration. He would suppose a case, which would put this in the clearest possible light. Suppose a case were to come for decision before two Judges of opposite opinions; on this, their opinions would, of course, be stated different ways. One would decide, the witness should be allowed to demurr; the other, that he should not! How would this appear? He had no difficulty, in his opinion, of what the law ought to be. What he proposed was, that the witness should be fully examined, but that his evidence should not be brought against him. Under this impression he had, as he gave notice on a former night, prepared a short bill, the general title of which, his lordship stated to be, "An act for the more effectual discovery of matters to be given in evidence," &c. and which went to provide, that when any person shall be examined as a witness, in any court, or before any magistrate, or other person, the evidence which should be given, should not, upon any pretence, be produced against him in any criminal prosecution, &c. The noble earl then presented his bill, which he moved should be now read a first time.

Lord *Eldon* observed, he should not oppose the first reading of the bill, such a proceeding not being customary in that house. He would, however, say, such a bill would require a great deal of consideration; and possibly it should necessarily undergo a great deal of alteration, before their lordships could, with propriety, agree to it. With respect to what had been stated by some of the learned Judges, in one point of view, he would declare, upon his professional word of honour, until he heard the note read from Mr. Peake's book, though he had lived thirty years in the profession, and officiated in different departments, where he had to institute examinations as to every point of law, he could declare he never heard the right of such a privilege contended for; and he believed a noble lord, now in that house, though there never lived a man who had more extensive practice at common law, never heard such an objection. He would not refer to what might occur to particular Judges, on particular circuits; but in Westminster-hall, where all the Judges were assembled, from all the circuits, he had never heard such an objection started. The practice on one of the western circuits had been adverted to; he should, however, as a north-country man, never wish to see, in that respect, the northern circuits assimilated to the western. His own opinion, upon the point in question, was well known. At present, however, the matter which occasioned such a difference of official opinion, should be prudently and wisely set at rest: they were not, because they perceived the impending mischief, to decide too hastily, with respect to the mode of remedying the evil. The principle held forth was, that an individual was never to be called upon for what would directly, or circuitously, put him in hazard: to obviate that by a bill, which said, that an individual should make discoveries, and then that nothing of these should be brought against him, would be expecting too much; as in ninety-nine cases out of a hundred, through the intervention of a third person, or some other means, the witness may be got at, through the medium of such discoveries; at the same time, he felt it of the utmost importance, that care should be taken, that their fellow subjects should understand their real situation in that respect.

The *Lord Chancellor* (Erskine) left the woolsack. He felt it his duty to communicate his sentiments on a subject of so much consequence to the proceedings in courts of law. He had been for seven-and-twenty years engaged in the duties of a laborious profession, and while he was so employed, he had the opportunity of a more extensive experience in the courts, than any other individual of his time. It was true, that in the profession there had been, and there now were, men of much more learning and ability, than he would even pretend to; but success in life often depended more upon accident, and certain physical advantages, than upon the most brilliant talents and profound erudition. It was very singular, that, during these twenty-seven years, he had not for a single day been prevented in his attendance on the courts by any indisposition, or corporeal infirmity. Within much the greater part of this period, he had been honoured by a gown of precedency, and in consequence of this privilege, had not only been engaged in every important cause, but had conducted causes of this description during that period in the court of King's Bench. But with the history of his professional life, their lordships had no concern, otherwise than as it was connected with the present enquiry. For this purpose it was material to declare, that, although his experience was equal not only to any individual Judge on the bench, but to all the Judges, with their collective practice; yet, that he never knew a single objection to have been taken to an interrogatory proposed, because the reply to it would render the witness responsible in a civil suit. It was true, that in Mr. Peake's book, which had been frequently cited on the present occasion, there was a note by which it should appear that an objection of this kind had been taken by the late chief justice Kenyon; but, notwithstanding his high opinion of the minute accuracy and great learning of that reporter, he thought he had, in this instance, been guilty of a mistake on two grounds: 1st, because he himself had been counsel in the cause, and had no recollection of the circumstance; 2dly, because, if that note were correct, lord Kenyon must have been guilty of an obvious contradiction of his own principles and sentiments, as they appeared even on the face of the same report. His lordship was of opinion, that the bill now proposed would not effectually answer the purpose intended by the noble mover: he most heartily concurred in the object, but most materially differed from him as to the means of effecting it. Notwithstanding some difference of opinion among high authorities, among persons for whom he had the greatest veneration, yet he could not help thinking that the law itself was unembarrassed from these contradictions. He considered it so far precise, clear, and perspicuous, that it was necessary no new law should be promulgated, otherwise than in the form of a declaratory law, by which it should be announced what had been the law, what was the law, and what ought to be the law, and what should be the law of the land as to this important particular. On these grounds he could not give his assent to the bill now suggested; and if no other noble lord, more competent than himself, would undertake the business, he should himself move a legislative regulation, with the view to place the question for ever in repose.

Lord *Ellenborough* perfectly coincided with the sentiments of his noble and learned friend on the woolsack. The labours of his existence had also been devoted to the same arduous duties, and he had attended a circuit the largest in extent, and the most comprehensive in the variety of its business; but neither in the course of his experience on his itinerant duties, nor during his constant application at Westminster-hall, where he might say he had been engaged in almost every important cause, nor since he had been called by his majesty's pleasure to the bench where he now had the honour to preside, did he recollect a single instance where the objection had been taken, that the answer of the witness would place the deponent in a situation of responsibility to a civil suit. It was true, that where the reply to the question would expose the witness to the consequences of a criminal prosecution, his lordship always felt it his duty to caution him from the bench; but even in that case, partial communications must not be made, the testimony must not be garbled; if a portion were imparted, the whole evidence must be disclosed; and so it was held by the noble and learned lord whom he had the honour to succeed, with much inferior powers. Although he perfectly agreed with the noble mover on the necessity of some legislative measure, yet he thought the bill now read, would be inadequate to the object proposed; it therefore would not receive his support.

Earl *Stanhope* considered his bill capable of comprising every object suggested by the noble lords who had opposed it, and said, that he should move for the second reading on Tuesday next. In the mean time, it was ordered to be printed.

HOUSE OF LORDS.

Monday, March 3.

[CONDUCT OF JUDGE FOX.] The Marquis of *Abercorn* moved the order of the day for resuming the adjourned debate on his motion of this day se'nnight, for the attendance of several witnesses on the 28th of April, relative to the pending case of Mr. justice Fox. He adverted to what had taken place on a former evening; and when a noble lord (Grenville) then in his place, high in his majesty's councils, had suggested the expediency of a short delay, to give noble lords time and leisure to consider of the proposition, he expected, that he would come forward, and assign his reasons for wishing such a proceeding to take place. From the respect which he entertained for that noble lord, joined to the consideration of the delay proposed being merely nominal, with reference to the effect of a proposed order, which was to take place two months hence, he was induced to comply freely with that suggestion. He now deprecated any farther postponement of the consideration of that proposition. Their lordships would consider, that repeated and solemn discussions of the house had taken place upon the subject; that they not only heard and examined a great deal of evidence, but that the house was pledged, by its legislative act, to continue the proceeding. He was at a loss to conceive what reasons could be assigned for any further delay, or why the proceedings should not go forward with expedition and effect, as far as was consistent with the bare convenience of individuals, and the solemnity due to the nature and magnitude of the case. It was important they should, as far as in them lay, proceed to bring a case of such peculiar importance to a farther hearing, and a final decision. When he considered the high situation, not only of dignity, but of responsibility, in which the noble lord stood, and the parliamentary and constitutional character with which he was invested, he was unwilling to suppose that his first parliamentary measure and trial of strength, would be an attempt to interfere with the course of an important judicial process before that house, which had been solemnly instituted, commenced, and some progress, though with no great degree of expedition, made in it. These were not the only reasons which should determine their lordships upon the present occasion. Not only the eyes of this country, but especially those of the people of Ireland, were turned to that house, with respect to the proceeding; it was regarded by them as a progressive endeavour to redress important grievances, and to enhance the security of the rights and privileges of his majesty's subjects in that country; the first attempt which had been made for their effectual protection, since the incorporation of their parliament with that of this country. This was but one side of the case under consideration. On the other hand it was to be recollected, what was due on the score of impartial justice to the learned gent. whose conduct was the object of the investigation; they were aware of the evidence which had been adduced against him, and of course he should, in justice, be afforded an opportunity of controverting, of rebutting, and refusing it, if it were in his power. He wished that every opportunity should be afforded him for these purposes, as certainly his character was deeply implicated in the matters of charge. He should, therefore, without troubling their lordships with any further observations upon the case, move to have the question put. He had, however, to apprise the house, he should have to move for the attendance of a few more witnesses, when he could ascertain the number which may be spared.

Lord *Grenville* said, he could assure the house, that he had nothing more in view in the course he had adopted, with respect to the affair in question, than the interests of the country, and the ends of substantial justice with respect to all parties, which he wished to be attained, in the mode that was most consistent with the laws of the land, and the practice of the constitution. It was in reference to these great objects, that he wished for some interval of delay in deciding upon what the noble marquis had proposed; it also arose from a difficulty which he then felt, and continued to feel, as to the course, circumstanced as the case then was, most proper to be pursued. Were he called upon to give a decided opinion, it would be that which he had more than once expressed last year; namely, that every step which had been taken in the business, had been in a wrong, and, as he thought, an unconstitutional course; in this opinion, he was confirmed by every research he had made, and every degree of study he had given to the subject. He was by no means ignorant or unmindful of those difficulties, and embarrassments, which the case, as it now stood, involved. He was also fully aware of its magnitude and importance. He felt all the difficulty of the consideration of breaking it off, or discontinuing the proceeding, after having entertained it so far. The question was therefore a great and important one, in a variety of views, not only as it respected individuals in Ireland, and the character of the personage accused; but as it involved considerations connected with the honour and character of the house. Upon the whole, he was not ashamed to say, the difficulties still continued to operate upon his mind, which was not yet prepared or satisfied as to what was proper, or ought to be done, or what course ought to be adopted. He felt it incumbent on him to put in this protest in behalf of the opinions he had formerly avowed; with regard to the express motion, it being to operate upon such a distant day as the 28th of April, which would afford their lordships ample time for intermediate consideration, he should not then resist it.

Lord *Auckland* observed, that with respect to the motion, were he to decide upon it, it should be in the negative. He was by no means satisfied with the course that had been adopted, and every thing he had since been able to learn, or collect, tended to confirm him in such an opinion: that house, he thought, was not competent to entertain a proceeding of the kind, and therefore he should be induced to resist it in every stage. So strong was the impression upon his mind, that he had recorded his sentiments upon the journals last year. He not only regretted it had ever gone so far, but he was sorry it was ever entered upon in that house; and he believed that few who heard him, would not wish it well out of that house. In concluding, his lordship adverted to the immense expence which had been already, and in all probability would still be incurred in the prosecution of the affair, a great part of which, he thought, would be ultimately paid by the public.

Lord *Hawkesbury* did not wish then to enter into a retrospective view of the affairs in question; they had been principally to consider the situation in which it now stood; in this view of it he seemed to deprecate all idea of stopping short. It was impossible for any person to read the case in evidence, which lay upon the table, and not see the absolute necessity of proceeding in the investigation of it. Not only with a view to the rights and interests, but the character of all parties concerned; even the credit and character of the house were involved; it was, therefore, in all these points of view, proper to proceed, thoroughly to investigate the case, and come to a decision upon it. He had given the best attention in his power to the business, and was ready to say, that even a respect for the character of the learned judge in question should be an additional inducement to their lordships to continue the investigation.

The Earl of *Buckinghamshire*, after shortly adverting to the sentiments he had formerly declared upon the subject, observed, he could consistenly, in the present state of the case, vote for a suspension of the proceedings. He alluded to what had been adduced in evidence, and upon record against the learned judge in question, and the degree of publicity it had obtained, which should be a consideration to determine their lordships not to leave the case in such an unfinished state.

The Marquis of *Buckingham* appeared

rather to view the case as it stood at present before the house, and adverted to the ill consequence of stopping short. In this consideration, he seemed to think the character and estimation of the house were also involved. The proceeding in these different points of view, was, he agreed, of great importance. The opinions he had avowed as to the origin of the business, and the question of its being properly entertained in the first instance, by their lordships, he still retained. But the case, after what had been done, now stood in a different situation; this he threw out for the consideration of the house: under the impression, however, which, upon the whole, he felt, respecting the affair, he could not consistently assent to the motion.—The question was then put, and the witnesses originally named in the motion, were ordered to attend on the 28th of April, accordingly.

[LORD ELLENBOROUGH'S SEAT IN THE CABINET.] The Earl of *Bristol* rose, to bring forward his promised motion upon this subject, and spoke as follows: My lords, before I state to your lordships the views and motives which have induced me to shape the resolutions which I now hold in my hand, and which I shall this night have the honour of submitting to the consideration of the house, I feel peculiarly anxious to disclaim, in the strongest and most unequivocal manner, all party views in the step I am about to take, and I most earnestly entreat of every noble lord here present, not to consider the present question as in any degree of a party nature. For myself, my lords, I can most solemnly aver, and there are many who can bear witness to the truth of the assertion, that so far am I from being actuated by any hostile feelings towards his majesty's present ministers, that from the moment of the death of that great and illustrious statesman, whose loss has been so severely felt and so deeply lamented, no man in this house or out of it was more desirous than I was, to see the reins of government committed to the hands which now hold them; and, my lords, so sincerely were these sentiments entertained by me, so scrupulously was I disposed to govern my conduct by them; and so anxious was I, that in the present momentous crisis of the affairs of the country and of Europe, his majesty's government should enjoy the unanimous support of parliament, and of the public, that it was not till I had failed in my efforts to obtain the object of my motion, by private and confidential representation, that I reluctantly brought my mind to disturb that unanimity, even for a single day, by the agitation of this important question. With respect to the question itself, I have no hesitation in saying, that all that I have heard, and all that I have since read and thought upon the subject, have only served to confirm and strengthen the first impression of my mind; and I feel confident, that the oftener it is considered, and the more thoroughly it is investigated, the more clearly will it appear that the situation which the lord chief justice now holds in the Cabinet, is not only unwarranted by established usage, but is in direct repugnance to those sacred and fundamental principles of policy, which can alone secure to the people of any country, the pure and impartial administration of their laws. I am aware, my lords, that there is considerable difficulty in affixing to that situation, with legal accuracy and precision, the character of a responsible minister of the crown. But, whether he is to be legally considered as a minister of the crown, or only as an adviser of the ministers, as long as he *is the associate of these ministers, and a party to their measures and their feelings*, my objections to the promotion remain in their full force, I am, therefore, satisfied to rest this part of this case upon one single observation; and, when I have asked the house whether it would endure to see the *lord chief justice hold the office of lord president of the council?* which can only be answered by the most decided negative, I would put it to the feelings of every noble lord, who joins in that negative, whether it would not be a most mischievous practice, *to separate that high ministerial station into its two component parts of power and of emolument: and, by throwing away the husk of the salary as food for baser minds, to be thereby enabled to give the power, the influence, the vital essence of the appointment, all that can be an object to enlarged ambition, all that true greatness can value or desire; to be enabled, my lords, to give this in a concealed and invisible manner, to those who could not dare to accept it in the ostensible and embodied shape of a cabinet office.*—My lords, we have now learned from authority, that it has been determined that the lord chief justice should be an habitual member of that committee of the privy council, usually called the Cabinet. The deliberations of the Cabinet are not like those of the body of the privy council, from which it is selected, confined to proceedings of a judicial nature; but embrace all the political concerns of the country of every description. It is the duty and office of the Cabinet, to advise the Crown, in the exercise of all its functions. To be *a member of the Cabinet*, is therefore necessarily to be a party to all the measures of the administration; and is to be associated in the power, and identified with the interests of the executive government. It is this close and intimate connection between a judge and the king's ministers; it is this association and identification of a judge, with the executive government, which (whatever be its legal name), I condemn and reprobate; which I hold to be contrary to former practice; to be injurious to the judicial character; to be subversive of the liberty of the people: and which, I contend, has a direct and alarming tendency *to blend and to amalgamate those great elementary principles of political power, which it is the very object of a free constitution to keep separate and distinct.* In searching for precedents on this subject, I have been able to find but one single solitary instance of a common law judge having ever before been placed in this situation. The chancellor, it is true, is always a minister; but no argument can possibly be founded on this circumstance, in favour of the present transaction. The chancellor stands on grounds totally distinct and separate from the twelve Judges, a distinction well known to our ancestors, who left the chancery judge amenable at the pleasure of the crown, but secured to the judges of the other courts, their offices and emoluments for life. The chancellor, as keeper of the king's conscience, is brought into contact with the person of the sovereign; and as the great officer of state, to whose custody the great seal is committed, is necessarily, from the *very nature of his office, a political character*; and is, *in fact, a responsible political agent of the crown, when he affixes the great seal to treaties*, and other public instruments. On the other hand, it is to be observed, that the chancellor, being a minister, is not exposed to the same danger, as is the case of the twelve judges. No criminal trials come before him; and it is difficult to conceive how political bias could well operate in these causes which are decided in his court. But with respect to the common law judges, the case is very different; and I must again repeat, that although the crown has occasionally referred to them for advice, in moments of great public difficulty; although there may occur instances in which, on some extraordinary and special occasions, they may have assumed a species of political existence, for that special occasion, *there is but one instance, from the revolution to the present day, of a common law judge having taken an habitual share in advising the crown on the ordinary course of state affairs.*—The instance to which I allude is that of the great lord Mansfield. I believe it is true, and it is with regret that I admit it, that that great and splendid ornament to his profession, did hold the two situations of lord chief Justice of the King's Bench, and of a Cabinet Minister. But there were circumstances attending this latter appointment, which sufficiently proved the doubts which were even then entertained of its propriety; and, it is satifactory to know, that on further consideration, and more mature reflection, the noble earl himself was so fully aware of the evils of the practice, and of the odium which attached to it, that no solicitation or entreaties could afterwards prevail upon him to form a part of the executive government. But, my lords, if this practice is to be tolerated in the chief justices of the King's Bench, if it is to be represented as innocent in them, in whom, by the way, *it is more peculiarly dangerous and offensive*, than in any of the other judges, how comes it, that it has never been extended to those who preside in the other courts, and *what security have we against its being so extended in future?* A noble lord near me, who so lately sat upon the woolsack, when he was desirous of taking an active share in government, did not act a very prudent part, in exchanging the permanent situation of chief justice of the common pleas, for the precarious one of chancellor, if he had not felt that that situation was incompatible with the Cabinet; and a noble earl, now no more, the predecessor of that noble lord in both these high legal situations, when he was anxious to be admitted into the cabinet, that he might be responsible for measures which he approved, himself told us, in his place in this house, that he was fully aware of the imprudent and disadvantageous exchange which that wish necessitated; but, aware as he was of the imprudence and the risk, I never heard of his attempting to avoid that risk, by a proposition so monstrous as that of admitting him into the cabinet, in his capacity of chief justice of the common pleas. My lords, that noble earl well knew, that it would have been at best but an ungracious act, to have taken advantage of that permanent affluence, which the bounty of parliament had attached to the office of a judge, for far different purposes, as the means of screening himself from that risk, and reconciling his interests and his ambition. He felt, that he was about to make a sacrifice to that ambition; and he felt, truly, that the sacrifice ought to be his private emolument, and not the constitution of his country. My lords, I much fear, that if some speedy and effectual remedy be not applied to this crying evil, the provisions of William III. and the present reign, for securing the integrity and independence of the Judges, will scarcely operate in any other way than as a bounty on their ambition, by enabling them to brave the storms of the political world, without the risk of shipwreck. But, my lords, if the course of precedents and practice was far less strongly in my favour, this is, after all, a question which must ultimately be decided by more enlarged and liberal views of the subject, and by considerations of expediency and of common safety, which are paramount to all precedents and all practice. In the whole compass of state policy, I know of no one principle on which there has been so universal a concurrence, as on the necessity of separating the judicial authority from the executive. This is a point, about which there can be no question. It is a truth indisputable, and which has never been disputed. All legislators, all statesmen, all eminent writers who have pronounced any judgment upon it, have concurred in these opinions. The remarks of Montesquieu, on this head, are pointed and remarkable; and such value does he attach to the judicial power being kept separate and distinct, that he is directly of opinion, that when this principle is respected, no form of government can be very oppressive; and that when it is neglected, be the form of government monarchical, aristocratical, or republican, private individuals must be exposed to a despotism, as severe as that which prevails in the dominions of the grand signior. Nor, my lords, is this a principle of mere general importance and advantage; it is one which goes home to the fire-side of every private family; it is one in which is involved the daily comfort and the daily security of every man in England. What, my lords, would be the alarming situation of any individual in this country, who, commenting on the general transactions of government, with that freedom which is the birth-right of every inhabitant of the land we live in, should thereby incur the displeasure of government, and a prosecution, under their direction, by the attorney-general? *My lords, he would be sent to take his trial in that very court, where one of the ministers whom he had accused and irritated, would preside—and preside not merely to direct and influence the jury, but eventually in his own person, to award the amount of his fine, and the duration of his imprisonment;* and, my lords, let me be permitted to state another case, and to suppose, for the sake of argument, that the other house should direct the attorney-general to institute a criminal prosecution against one of his majesty's present ministers, what, my lords, would be the sentiments of indignation excited from one end of the country to the other, *to see that minister sent as a state criminal to the bar of a court where his colleague sits to judge him?* I may be told that these are cases which are not likely to occur, and that under such circumstances the learned judge would abstain from attending. I desire no better proof of the incompatibility of the two situations, than this; namely, that in order to do his duty as a man, he must desert his duty as a judge, or as a minister; and I must observe besides, that I desire a better security for the persons and property of my countrymen, than the discretion of any mortal breathing. My lords, the noble lord who now presides upon the woolsack, has long been the friend of liberty and the constitution; I trust I shall have his support and countenance on this occasion. He cannot, I assure him, feel more for the happiness and liberties of the people than I do; and if we have not always agreed upon what measures we thought the best calculated to promote and to secure these great and important objects; in this, at least, we cannot fail to concur, that both are intimately and inseparably connected with the purity and perfection of public justice. I well know the sentiments of that noble lord on the importance of trial by uninfluenced juries, and by impartial judges. I know the indignation which would be kindled in his bosom, were a single individual in the country to attempt, by the ties of private friendship, or the influence of social habits, to tamper with a single juryman in the most unimportant trial. I well know the jealousy with which that noble lord would have challenged, on the part of a client, the name of a single juryman who was necessarily prejudiced in the cause, or who was, in any way, identified with the prosecuting party. In the name of the people of England, I demand that the same principles may be applied to the twelve Judges. I desire that they may not be placed in situations where they can be supposed to be tampered with by the king's ministers; I desire that they may not go down to their courts, talked over by their colleagues in office, animated by the same feelings, participating in the same interests, under the influence of the same prejudices and the same habits. Far am I from being one of those who think the atmosphere of Downing-street and St. James's so impure, that nothing can escape it unpolluted; but of this I am sure, that neither the palace nor the treasury, are fitted to be the daily resort of British Judges. No man will go further than I would in increasing their affluence and augmenting their comforts, or in opening to them the door to those fair honours which they may properly enjoy; but, in considering their interests, I will never lose sight of the more important interests of my country; nor will I, whilst I breathe, silently submit to see the Judges taken from that middle station between the subjects of the crown, and those who exercise its political functions, which is their proper sphere; and where alone they can maintain that character for independence and uprightness which his majesty was graciously pleased to recommend in a speech from that throne, as essential to the impartial administration of justice, as one of the best securities of the rights and liberties of his subjects, and as most conducive to the honour of the crown. I shall conclude what I have to urge, by reading a passage from Mr. justice Blackstone. "In this distinct and separate existence of the judicial power, in a peculiar body of men, nominated indeed, but not removeable at pleasure, by the crown, consists one main preservative of the public liberty; which cannot subsist long in any state, unless the administration of common justice be in some degree separated both from the legislative, and also from the executive power. Were it joined with the legislative, the life, liberty, and property of the subject, would be in the hands of arbitrary Judges, whose decisions would be then regulated only by their own opinions, and not by any fundamental principles of law; which, though legislators may depart from, yet Judges are bound to observe. Were it joined with the executive, this union might soon be an over-balance for the legislative. For which reason, by the statute of 16 Car. I. c. 10. which abolished the court of star-chamber, effectual care is taken to remove all judicial power out of the hands of the king's privy council: who, as then was evident from recent instances, might soon be inclined to pronounce that for law, which was most agreeable to the prince or his officers. Nothing therefore is more to be avoided in a free constitution, than uniting the provinces of a judge and a minister of state."—His lordship concluded with moving a resolution, stating it as the opinion of the house, "that it was highly inexpedient, and tended to weaken the administration of justice, to summon to any committee or assembly of the privy council, any of the Judges of his majesty's courts of common law."—On the question being put,

Lord *St. John* said, he gave the noble lord full credit for his assertions, that he was actuated by no party-feeling in bringing forward the present motion, or by any personal motives with regard to the noble and learned lord who was the present chief justice of the court of King's Bench. He was perfectly convinced that the noble lord had not been influenced by any consideration of that nature, nor by a wish to embarrass his majesty's ministers, who were, in fact, indebted to the noble lord for bringing forward this motion, inasmuch as it brought a subject into discussion, respecting which much misapprehension had gone abroad, but which he trusted would, by the discussion of this night, be completely done away. The proposition itself, as made by the noble lord, was of an abstract nature, and he did not see any possible good that could arise from its adoption. He did not mean to look into Montesquieu for the law or constitution of England, neither upon such a subject did he acknowledge such an authority; and surely the noble lord must have forgotten, for the moment, the place in which he was speaking, when he advanced general theories, tending to prove, not merely that the judicial and executive functions ought not to be united, but that the judicial and legislative functions ought to be kept entirely distinct. Such a doctrine in that house could never be recognized as a part of the law or constitution of England, where it had uniformly been the practice to blend, in repeated instances, the judicial and legislative character. This served to prove how little, relative to the constitution of this country, could be gathered from Montesquieu. He should look to better sources for information upon that subject, namely, the Statute Book, and the practice and usage of the country. Looking at the subject in this point of view, he should trouble their lordships with a few observations as to the precedents by which the measure that had given rise to this motion, was supported, and which the noble lord had not quoted. Instead of there being only one solitary precedent, the precedents were numerous, and all tended to establish the same point. Of the period antecedent to the revolution, he should say little, because the precedents since that period might be considered as more strictly applicable. He could not avoid, however, referring to two or three cases, one of which was a statute of Edward III. which enacted the establishment of a council to assist and advise his majesty, and which expressly appointed the chief justice of the court of King's Bench to be a member of that council. A more remarkable precedent occurred in the reign of Charles II. in the year 1672, when sir William Temple advised the king to establish a privy council, for the purpose of conciliating the people, and rendering the government more popular. A privy council was in consequence assembled, consisting of fifteen persons, who held offices, and of ten members of that house, and five of the other house, who were not in office. The king addressed them at their first meeting, stating the reasons why certain persons holding offices were summoned to attend the council. The lord high treasurer, his majesty stated, was summoned to give advice relative to finance; the lord high admiral, on matters relating to the navy; and the lord high chancellor, and the chief justice of the King's Bench, it was expressly stated, to give advice to his majesty on matters relating to law. These were all the precedents anterior to the Revolution with which he would trouble their lordships, only stating by the bye the act of Henry VIII. out of which arose the establishment of a privy council, and whose duty was stated to be to examine into matters of sedition, &c. and commit the offenders.—Subsequent to the Revolution, the precedents were numerous. The act of the 4th and 5th of Anne was strictly in point. By that act, which went to make provision respecting the Protestant succession, a regency was established in the event of the successor to the throne being out of the kingdom at the period of the queen's demise, and the chief justice of the King's Bench was expressly nominated a member of that regency, in which he was not merely to be an adviser, but himself acting immediately in an executive capacity. A similar act was passed during the minority of his present majesty, after the death of the late prince of Wales, and also after the birth of the present prince of Wales, in both of which the chief justice of the King's Bench was expressly included. All these precedents, therefore, fully recognised the principle with respect to the chief justice of the King's Bench assisting in his majesty's councils, and proved that it was an established principle in the law and constitution of the country. With respect to the objection started by the noble lord against chief justices concurring in prosecutions against, or attending the examinations of persons whom they were afterwards to try in their capacity as judges, it had been the constant practice for chief justices to attend on such occasions. Two or three precedents occurred to him at the moment; one in the year 1746, when lord chief justice Lee attended at the examination taken against several persons who were concerned in the rebellion of the preceding year, and who were afterwards tried for such offences. In the year 1780, also, lord Loughborough, then chief justice of the court of Common Pleas, attended in a similar manner upon the examinations respecting several persons concerned in the riots of that year. At a still later period, lord chief justice Eyre attended the council, on the examination against the persons who were afterwards, as it was well known, tried before the same judge. All these authorities were, he conceived, amply sufficient to establish that the measure complained of relative to the present chief justice of the court of King's Bench, was fully sanctioned by the usage and practice of the constitution. Fortified in this position, he could not yield to the general theories of Montesquieu, which, if they applied at all to the subject, applied in a much more general way than the noble lord could wish to extend his ideas upon the subject, neither could he consent to vote an abstract proposition, which could answer no useful purpose, nor be productive of any practical good.

Lord *Eldon*, on entering into the consideration of this question, disclaimed the idea that it was a question respecting any individual, or any administration. He considered it as a question of much superior importance, as relating to the administration of justice in this country. He felt the highest respect and veneration for the noble and learned lord (Ellenborough), and it would give him the greatest pain if it were supposed, that the observations he should make proceeded from any personal disrespect; so far from it, it was in order to express his respect for that noble and learned lord, that he was induced to attend upon this occasion. He did not mean to contend, nor could he hear it argued, that the appointment of that noble lord to a seat in the Cabinet was illegal. It certainly was not illegal. Neither would he say, that it was unconstitutional: but he rose to state, that, although the appointment was not contrary to the law or the constitution, yet that there existed reasons which made it unadvisable or inexpedient. The reasons which weighed upon his mind were of a delicate nature. It was not enough that the administration of justice should be perfectly free and uninfluenced by government; it was not enough that it should be pure; but it should also be beyond the reach of suspicion, and so exercised, as to give perfect satisfaction to all his majesty's subjects. There were many analogies and precedents against the uniting the functions of chief justice with a seat in the Cabinet. Although, in order to shew that it had been before united, the solitary instance of lord Mansfield might be urged, yet it must also be recollected how extremely unpopular that noble and eminent person became after he had united those stations, and how that unpopularity hung to him for the greater part of his life. Perhaps it was an ill-founded jealousy which existed in the minds of the public, but still it was sufficient to weaken the confidence they ought to place in the judicial character. For his part, he was so well acquainted with the noble and learned lord, that he felt personally the utmost confidence that it would not, in any degree, affect the purity of the administration of justice, if lord Ellenborough had a seat in the Cabinet. It was not for his satisfaction, or for the satisfaction of those who had an opportunity of knowing and appreciating the integrity and worth of that noble lord, but it was for the general satisfaction of the nation at large, that he thought that the chief justice ought not to have a seat in the Cabinet. He utterly disowned and disclaimed every idea of the appointment being either illegal or unconstitutional, but still he thought the inexpediency of it so great, that he hoped when the noble lord reflected on it, he would not himself wish to retain his seat in the Cabinet. When he himself had often been consulted in examinations about sedition and treason, he should have felt that it would not be proper for him to sit as judge to try those persons whose prosecutions he might have advised. It might be said, that it might be so arranged, that either the chief justice should not attend the Cabinet when questions were to be agitated which might afterwards come before him for trial, or, if he had attended it, he might stay away from the court of King's Bench, and leave the trial to others. When he was appointed a Cabinet minister, it however, became his duty to attend, and it was a duty still stronger for him to attend his court, for the subjects of this land had a right to the assistance of the lord chief justice in the administration of justice. Although in the prosecutions he had before alluded to, the offences were not against any particular administration or government, but went to overturn all government, yet he might suppose a case, where the Cabinet council might think it proper to prosecute some libel against the government, or, in plain English, against the measures of the persons composing the administration. Were such a case to occur, he did not think it possible that the parties accused could be satisfied of the fairness of their trial, if the judge who was to try them was a member of that Cabinet which had ordered the prosecution. The question was not, whether those who knew the noble lord, as he did, would not feel a perfect security in his integrity; it was, whether the people at large would feel themselves as safe as if precedents and analogies had been followed. It might be said, that lord chief justice Eyre had tried those persons upon whose case he had been previously informed and consulted: he by no means considered that as among the most honourable parts of the life of lord chief justice Eyre. He had himself been connected with lord Ellenborough for near thirty years, by the sincerest friendship, and if even he could suppose that this personal friendship could be at all weakened by any thing which he had said that night, he still felt himself so strongly impelled by a sense of duty, that he could not avoid stating his sentiments. He thought the inexpediency was so great and so striking, that he felt it his duty to state it. Had he been in the situation of lord chief justice, and been offered a seat in the Cabinet, he should, probably, have accepted of it, but when he should have heard the objections that had been now urged, he would have resigned it. He thought that the best way of disposing of the question was, to leave it to the consideration of the noble lord himself, and he was convinced the result would be more satisfactory both to his own feelings and to those of the public.

The Earl of *Carlisle* observed, that a new sensation of alarm, which had slept for a hundred years, now began to shew itself, as if with a view to lower the new administration in the eyes of the people, to disturb that public confidence which was placed in men of such great talents and integrity as those respectable characters who composed the present administration, and to banish the joy with which all ranks of men witnessed the paternal care of his majesty, in calling forth persons of the most exalted talents to direct the affairs of the country. If all this alarm was allowed; if it was found that the public was extremely uneasy (and indeed, for his own part, he heard no uneasiness expressed any where); if this alarm, in short, was well founded, his objection to the motion was still stronger than ever, because it would not cure the evil complained of. It would go to prevent any privy counsellor from giving his advice to the king in the character of a judge. A very great inconvenience would arise from confounding the privy council with the committee of the privy council. The king had an undoubted privilege to call any privy counsellor to that committee. Because for a number of years no instance occurred of a judge being of such committee, that was no argument that the practice was unconstitutional. He never heard a complaint of any injury suffered from a judge being of the king's council. And if any reform was now deemed necessary, let a law be passed to declare that no judge shall sit in the council. But there was no occasion for such a law; because no grievance was to be removed. He did not believe that any such uneasiness as was stated, rested on the public mind, on the appointment in question. If this motion was carried, all judges must be excluded from the privy council as well as the Cabinet. He could not avoid deprecating the moment at which this motion was made. It was necessary that the new administration, to execute the arduous duty which at this moment of danger they had undertaken to perform, should have the public voice and opinion in their favour. Without public confidence, all their talents could avail nothing. He considered this motion to be one as ill-timed and injudicious as any that that ever was made, and, if agreed to, it would be of no avail.

Lord *Boringdon* said it was a very difficult thing to ascertain the bulk of the public opinion during so short a period as that which had elapsed since the appointment in question. For his own part, he believed the measure had communicated throughout the public a general sentiment of dissatisfaction and distrust. He wanted no reform or alteration. His only object was to preserve the liberty of the subject entire, and in doing that there was no occasion to go back to the reign of Edward III. Those who were called cabinet counsellors, were the responsible advisers of the king. It was a matter of notoriety, that the lord chief justice was not habitually summoned to the council. He was also the first criminal judge in the country. The two situations were incompatible; and of all the absurd constitutions which modern constitution-mongers had adopted, none were more discordant than that of the chief criminal judge being at the same time a minister of state. Suppose the case of a book, declared by the Cabinet to be a libel on his majesty's government, and the author ordered to be prosecuted; was it fitting that such person should be tried by a chief justice who was at the same time one of his majesty's Cabinet ministers, and consequently one of the prosecutors of the very person whom he was trying? He did not wish to make the slightest personal allusion to the present chief justice of the King's Bench, but merely to argue the question upon general principles. Arguing in this way, it was well known that the Judges of the court of common law held their offices for life, or at least could only be removed for misconduct. It might happen that a judge who was also a Cabinet minister, might, in his office of judge, administer justice with unsullied honour and unimpeachable integrity, but who as one of the king's ministers and confidential advisers, might be impeached at their lordships' bar for high crimes and misdemeanours. He would then be placed in the singular situation of attending half his time as a judge upon the bench to administer justice, and the other half at their lordships' bar to defend himself against an impeachment for high crimes and misdemeanours. It was not merely from eminent writers, that a disapprobation of the general principle of such an union of offices might be gathered, but it had met in that house with marked reprobation from the late marquis of Lansdowne, after the late lord Mansfield had confessed that he had acted as a Cabinet minister, whilst holding the office of chief Justice of the court of King's Bench.

Lord *Sidmouth* agreed with the noble lord who spoke last, and with a noble and learned lord (Eldon) who had spoken earlier in the debate, that this was a question of very great importance in a constitutional view. He also agreed with the same noble and learned lord, that it was necessary that the administration of justice in this country should not only be free and unfettered by the crown, but that the purity of it should be beyond the reach of suspicion; and if in the present instance it could be urged, that there was any reasonable ground of suspicion, he would admit that no pressure of circumstances would make the time improper for the discussion. He had felt a strong desire to reply to the noble and learned lord sooner, but had been prevented by the rising of another peer; he was happy, however, to have heard from the authority of the noble and learned lord, that the appointment in question was not illegal, and that it was not unconstitutional; nevertheless, the noble lord had said, that if he had been lord chief justice, and had been offered a seat in the Cabinet, he should not have objected to it in the first instance, but that if he had accepted it, he should have resigned it upon more full and mature consideration of the inexpediency of his retaining that seat. The noble and learned lord (Eldon) had declared his great respect for the high character of the lord chief justice, and had stated that it was from motives of personal regard and friendship to him that he had that day attended in his place. He must state, that in personal regard and friendship for the lord chief justice, he could not yield to any man; but that was not the consideration that induced him to attend upon this occasion. It was a sense of duty to his country that made it necessary for him to defend the conduct of his majesty's confidential advisers who recommended that appointment. For his part, if he had entertained the least doubt of the appointment being strictly legal, and conformable to the constitution and to established practice, he should not have attempted to support it, although he was convinced that, in the present instance, it would be a serious injury to the country, to deprive his majesty and the nation of the abilities and assistance of lord Ellenborough at the councils on public affairs. He was convinced that the lord chief justice must personally feel great uneasiness and regret at the public discussion that this appointment had produced. He himself felt sorry that any doubts should have been entertained on the subject, or that those doubts should be considered so serious as to give rise to a discussion which might occasion some uneasiness and alarm to the public mind; but as those doubts had been stated, and were considered worthy of discussion at the present moment, it was necessary that the question should be set at rest. It appeared to him, that the tendency of the objections which had been made would be to fetter the legitimate prerogatives of the crown, to limit the sphere of public duty, and the means which his majesty possessed of calling for the advice of persons of distinguished ability, in his privy council. Whatever would tend to withdraw from the public service the great abilities of the lord chief justice, he should deplore as a public calamity; but still it would be a sacrifice that must be made, if the law and the constitution required it. The noble and learned lord (Eldon) had, however, given up the point, so far as to confess, that it was not illegal or unconstitutional, but considered, that it was so highly inexpedient, that he hoped lord Ellenborough would, upon consideration, resign his situation at the Cabinet. The subject had been for some weeks under the consideration of lord Ellenborough, and that noble and learned lord had not pleaded "guilty" to the charge of having accepted a situation which it was not proper for him to fill. The case of lord Mansfield was by no means a solitary case, as had been stated. Lord Hardwicke had for six months united the offices of chief justice and chancellor, and during that time sat in the Cabinet. There were numerous instances of judges being privy counsellors; there were also instances of lords chief justices executing much higher offices than that of Cabinet minister; although, certainly, it was not to be expected that many antient precedents could be found for their having a seat among that selection of privy counsellors which had been lately termed 'the Cabinet.' In the 5th of queen Anne, a bill was passed for regulating the succession of the crown, by which lords of regency were appointed to exercise all regal functions for the term of six months, or until George I. or the heirs of the house of Hanover, should come over to this country. Among these lords regents was the chief justice. This was certainly a much more executive office than that of a Cabinet minister. A bill of such importance did not pass without the most serious discussion, and great difference of opinion; but no one ever thought of objecting to the lord chief justice being one of the regents. Again, in the year 1751, there was a council of regency appointed by an act of parliament, which was much discussed in every stage, and in the discussion of which there were several conferences between the two houses. The then lord chief justice was in this instance also appointed one of the regents, without the slightest objection having been made on account of his office. These appeared to him to be very strong precedents indeed. There had been two instances of lords chief justices having been as regents appointed to exercise the functions of royalty: there were the precedents of lord Mansfield and lord Hardwicke, who actually did sit in the Cabinet when they held the office of chief justice, and there were innumerable instances of judges having been also privy counsellors. There had been in modern times some change in the privy council. Their proceedings were now of a more public nature, and not connected so much as they had been in former times, with the arcana of government. He believed it would be very hard for any noble lord to point out by the constitution, any difference between a privy counsellor and a member of the Cabinet. The oath of a privy counsellor went to every thing which now concerns principally the members of the Cabinet. The privy counsellor's oath, was, 'to advise for the king's honour and for the good of the people, to keep secret his majesty's counsels, and to help, strengthen, and assist every measure that should be therein resolved, to enquire into all offences against the crown and the government, and to commit the offenders to prison, in order that they might be brought to trial.' This, which was the oath of the privy counsellor, differed scarce any thing from what was now the office of that select number of the privy council called the Cabinet. What was now done by the Cabinet, was formerly done in the privy council, and the many judges who had been of the privy council were therefore then bound to commit offenders to prison, who afterwards perhaps were brought to trial before themselves. The noble and learned lord (Eldon) had said, that although in the cases where he recommended prosecutions there was a conspiracy, not only against the existing government, but against all government, yet that he could conceive a case wherein the Cabinet might order a prosecution for a libel against the ministers, and in such case it would come to be tried before a chief justice, who was himself one of them. It would be as natural a case to suppose a libel against the privy council, which might be deemed a proper subject for prosecution. The same reason then which would prevent a judge from having a seat in the Cabinet should also prevent him from being a privy conusellor, but he would venture to say, that the objection had never been made before the present day. It was allowed, however, that the appointment was not illegal, and therefore it did appear to him that merely to say it was inexpedient, appeared something like a personal objection. If the thing was improper in principle, a bill should be brought in to prevent it for the future; but for his own part he saw no inexpediency, and could perceive no other consequence likely to follow from the adoption of the motion, but the loss of the great talents of the noble and learned lord whose appointment was the subject of the present discussion. He was not, however, much afraid of the public mind being much agitated or alarmed, with respect to the determination of the present question. The country was very lately in considerable alarm respecting its most important interests, but that alarm had considerably diminished, and in a very few days he was sure would disappear, and give place to the confidence that was due to that assemblage of talents and virtue which his majesty had united in administration. The people of this country were not attached to new theories and innovations, but were contented to preserve their excellent constitution in the state they found it before the present question; he was convinced the general feeling was satisfaction at finding a man of such great abilities as lord Ellenborough called to his majesty's councils. The noble and learned lord (Eldon) had said, that he was perfectly convinced that the possessing a seat in the Cabinet would not at all influence the judicial conduct of the chief justice: he felt convinced that the people at large were of the same opinion, and that the administration of justice under him would not only be pure, but above all suspicion. The people knew well, that a judge exercised his functions under the eye of public observation. He could not lift up his eyes and look in the face the jury and the respectable and eminent men in the profession of the law, if he was not conscious of the most perfect purity in his motives. This public observation was a most wholesome and salutary check and controul over the judges and all the magistrates of the land. Although the chief justice might have many political adversaries, he did not believe there were any who could reasonably entertain a doubt or suspicion of his being influenced in his functions as a judge, by his political situation or connections. Of the many great men who had presided in the court of chancery, lord Somers, lord Hardwicke, lord Thurlow, and the noble and learned lord (Eldon), he never had heard the slightest suspicion thrown out that their conduct in their legal capacity was at all influenced by their political connections. And yet, it appeared to him, that the situation of lord chancellor was much more dependent upon the crown than that of lord chief justice. The lord chancellor could be removed at pleasure. The situation of lord chief justice was for life. Besides, that the lord chief justice decided instantly the cases that came before him, there was no opportunity for private communications being made to influence his determination. He was bound to determine by a precise rule, the *lex scripta;* whereas the lord chancellor must determine, in a great measure, by the general principles of equity which were in his own breast. If, therefore, it were to be put entirely as a question of expedience, he could see no reason why it was more inexpedient, generally speaking, that a lord chief justice should have a seat in the Cabinet, than that the lord chancellor should sit there. For these reasons he felt a perfect conviction in his mind, that the motion could produce no beneficial effect; but that it would only tend to preclude his majesty from calling to his council, many men of great abilities, and to diminish the number of those who might naturally be looked to for advice and assistance. The noble lord concluded by declaring, that, under these impressions, he felt it his duty to give his negative to the motion.

Lord *Mulgrave* professed to feel a high respect for the character of the noble and learned lord (Ellenborough) in his judicial capacity, but disapproved of the idea of uniting in the same person the very different characters of minister of state and judge in a criminal court. He would by no means wish to agitate this or any other question with a view of diminishing the confidence that he thought it necessary the present government should have in the actual circumstances of affairs. For his part, he felt no want of confidence, or jealousy of the present government, when he saw the noble lord (Grenville) at the head of it. There were parts of the administration which, if they stood alone, would not have obtained his confidence, but, united as they were, he saw no reasonable ground for jealousy or distrust. As to the word "Cabinet," although it might have been but lately introduced, still it was a term that was generally understood, not only in this country but all over Europe. The members of the Cabinet were considered the responsible advisers of the crown, and the lord chief justice, in that capacity, might be brought to that bar and impeached, when his presence might be necessary in the King's Bench in his judicial capacity. As a minister, his majesty might be addressed to remove him from his presence and councils for ever, and yet, as lord chief justice, his majesty could not remove him, as long as in his judicial capacity he should conduct himself without reproach. It was for these reasons that it appeared to him generally inexpedient that a lord chief justice should be called to a seat in the Cabinet. As to lord Ellenborough, personally, he had a great respect for his character as a judge, but he did not know what great service was to be expected from him in the Cabinet. As to his knowledge or experience as to matters in law (great as it undoubtedly was), yet the government did not appear particularly to be in need of that legal advice, when they had a lord chancellor who had such extensive experience of the law, and when they could be assisted by the advice of the attorney-general and of the solicitor-general (Mr. Romilly), who had perhaps as much experience in equity as the lord chancellor had in the courts of law. As to general politics, it could not be supposed that lord Ellenborough had more knowledge of the subject than any other man in the kingdom, of a cultivated mind. His professional habits must have prevented him from giving as much attention to these subjects as other persons; and, in point of fact, while he had been in parliament, whether as attorney-general in the lower house, or as a peer in that house, he had taken very little share in questions of general politics. He therefore could not see what necessity there was for giving him a place in the Cabinet.—But, in truth, the situation of a Cabinet minister, was totally incompatible with that of chief justice; since, to mix with the provisions, enquiries, and directions for a prosecution, was inconsistent with the unprejudiced trial afterwards. It was, for instance, not unusual for the Cabinet to order the trial of persons for libels on foreign princes; what would be the consequence, in that case, of a trial before such a political judge? If on the conviction of some such writer, the judge were to pass a severe sentence upon him, might not the public justly complain that he was sacrificed to the political motive of standing well with such foreign prince? And if, on the contrary, a lenient sentence was pronounced, might not the prince ascribe the circumstance to the government with which he was politically connected? A chief justice of the King's Bench held his situation independent of the pleasure of the crown; not so a member of the Cabinet. In every way, therefore, it was an appointment which he could not sanction with his approbation, and he should certainly vote for the motion of the noble earl.

The Earl of *Carnarvon* had not heard an argument that tended even to stagger his mind on the propriety of the appointment. He considered the motion as a thing unprecedented in British history. It was a direct attack on the king's prerogative, and went to take from his majesty his undoubted right of calling to his confidential councils the person of whom he approved. It differed materially from a motion for an address to remove ministers whose measures were disapproved of; since here the person alluded to had only been appointed a few days, and no allegation was made against his general character. It was a curious reason, that, because he was called to the committee of privy council called the Cabinet, he was less fit to discharge the office of Judge. All state trials were ordered in the privy council; and, from time immemorial, the chief justice of the King's Bench had been a member of the privy council. He said they would find upon reference to our history, from the earliest periods, that the chief justices had been consulted as statesmen. They must not take it from the revolution only, for our constitution, in this respect, was long antecedent to that epoch; and it was full of instances of this kind. He animadverted on the passages in Montesquieu and Blackstone, and contended that they must not take the mere theories of writers, against the invariable practice of the government.

Lord *Eldon*, in explanation, stated that he did not say that he would have advised the noble and learned lord to have declined the appointment to a situation in the Cabinet, but that he would have recommended him to re-consider the proposition.

Lord *Hawkesbury* said, that the importance of the subject compelled him to obtrude himself upon their lordships. No question more interesting could have been offered to their lordships, not merely on account of its connection with the lives and liberties of the people of this country, but it was important also in another point of view. It was one which vitally touched the very essence of the constitution. Before he addressed himself to the question, he would take an opportunity of declaring, that he did not yield to any one in that house in personal respect towards the noble and learned lord against the expediency of whose appointment the motion of his noble friend was directed. Looking at the question as a question applying to lord Ellenborough, he would say that nothing would afford him more pleasure than to see lord Ellenborough, as lord Ellenborough, a member of the Cabinet, though he could not bring himself to approve of his being there as chief justice of the King's Bench. He had the honour and happiness of knowing that noble and learned lord well; on many great points he knew that their opinions concurred. In the present administration, to which, whatever might be thought, he had no hostile disposition, there were many of the appointments which he approved, and into which he should have considered the introduction of lord Ellenborough, were it not for his situation, as an arrangement highly desirable. He was persuaded, that while that noble and learned lord made part of the administration, that he would never allow the principles for which they had jointly contended, to be beaten down. The question to his understanding might be considered in three points of view; either as relating to the constitution; as it respected the particular instance; or as the arguments drawn from analogy applied to it. He would not look to any foreign writer for the principles of the British constitution; but upon the general principles of liberty, he could have no objection to consult so eminent a writer as baron Montesquieu. What was his opinion upon the division of political power in a state? It was this, that it was more advisable that the judicial power should be separated from the executive, than that the legislative authority should be distinct from the executive. Such too was the opinion of that admirable writer judge Blackstone. For himself, he was not such an extravagant theorist, as to wish to push principles beyond practical utility. The course which a wise legislator would adopt, would be to make the exceptions to his general principle, not as numerous, but as few as possible. In his conception, there could be no union more dangerous, than that of a judge and a minister of state; and such, to all intents and purposes, was the present chief justice of the King's Bench. He was, and of necessity must be, identified with those who constituted what was called the government, in danger of becoming a party to all their passions and prejudices; and giving him, as he did, full credit for the utmost purity, it was impossible, that, in questions between government and individuals, he could be considered as an unbiassed judge. Suppose the case of a libel published against the administration of the country of which he made a part, was brought before him; in what an awkward situation would he be placed, sitting in judgment upon an offence actually committed against himself! In cases of riot too, arising from the dearness of provisions, and to suppress which, government might possibly have recourse to strong measures of authority; was it advisable that one of the Cabinet ministers should be sitting as judge to try the persons who should be found offending against the laws applicable to such contravention? His noble friend had stated, and truly stated, that there was but one instance since the revolution, of a common law judge acting as a Cabinet minister. Why did he begin his researches from the revolution, but for this reason, that it was only from that period that the independence of the judges commenced? In that period there was only the solitary instance of lord Mansfield, for he could not consider lord Hardwicke's case as a fair precedent, filling as he did, for certain reasons of weight at the time, the offices of chancellor and chief justice together. With respect to the particular case, if there had existed any circumstances which made it necessary, and such he would admit might exist, to call lord Ellenborough to the Cabinet, their lordships would not have heard of the present motion. The case of a lord chancellor having a seat in the Cabinet bore no analogy whatever to that of a chief justice, for the jurisdiction of the former in no degree applied to criminal law. The chancellor was removable at pleasure, because he was a Cabinet minister; neither the judges nor the master of the rolls were, because it was not intended that they should ever become responsible advisers of the crown. With regard to the arguments drawn from the two regencies, he would observe, that one of them was never acted upon, and the other only for a short time. A noble and learned friend of his who spoke early in the debate, allowed that it was neither illegal nor unconstitutional. He knew how difficult it was, when once you admitted that a thing was not illegal, to prove that it was unconstitutional; but he would contend, that the appointment of the chief justice of the King's

Bench, of a common law judge to a seat in the Cabinet, was not congenial with the pure principles and practice of the constitution. He should be sorry to see that respect which was due to the sacred character of a judge, diminished by such an innovation upon the constitution. Whatever might be the decision of that house, it could not be concealed that the general feeling of the country was against the appointment.

Lord *Holland* replied to the different lords who had supported the motion. He said, that a most artful attempt had been made to confound things which were in their nature separate; and to separate those which were in truth the same. It had been ingeniously attempted to make an active, ostensible minister of the king, and a person merely summoned to a committee of the privy council, one and the same thing, though nothing could be more separate and distinct. And next, it was attempted to make a member of such committee and a member of the privy council separate and distinct characters, though they were really one and the same. The artful meaning of this was, to fabricate a supposed responsibility which did not exist and was not known to the constitution. It was to endeavour to make a mere confidential counsellor of the king responsible equally with an actual, efficient, ostensible minister, in a particular department. The constitution knew no such thing; no measure could take place, no act could be done but there was one active responsible person to whom parliament and the country had to look for it, and who must answer for it if wrong. This might suit some of the members of the late unfortunate administration, but it would not pass; and let not the noble earl (Mulgrave) imagine that such a subterfuge could avail. If a majority of the other house of parliament, for instance, were to bring up articles of impeachment against the rash, unprovoked, injurious publication of treaties, letters, and papers, by which the good faith of the country was violated, its honour and reputation tarnished, and by which it was likely to be for ever cut off from all confidence, communication, or correspondence, with any other country in the universe: by which too its friends and allies, those who had been drawn in to make common cause with us, were to be ruined and undone; by which our and their implacable enemy was to be furnished with arguments for completing their ruin; as, for instance, by the mention of Naples, to furnish Bonaparte with the proof that that unfortunate country was, from the beginning, engaged on our side. If such articles of impeachment were to be brought up from the other house, do not let the noble earl fancy, that the responsibility could be frittered away, by being divided over all the Cabinet of which the minister for foreign affairs was a member. No; the house would look to the sole and responsible man, recognized by the constitution, which abhorred the idea of a prime minister. If this were not the case; if the individual who not only advised, but personally acted on the occasion, were not responsible in himself, then there was an end to all the securities which were proffered by our constitution. There was also in fact an end to all the boasted liberties of the people. It appeared, according to the opinions expressed by some of their lordships, that it was impossible for any thing like freedom to exist, if the judicial and executive authorities were in any degree united. Their separation, it had been observed, was attended to even in Turkey. He acknowledged that he never had heard of Turkish judges being employed on a diplomatic mission, though an instance of that kind had occurred in a country whose constitution, in many respects, resembled our own. Mr. Jay, who concluded the treaty between this country and the united states, was, he believed, a chief justice; of course, if the doctrine laid down by the noble lord opposite to him was true, Turkey was a land of liberty, and the government of the united states one of the most despotic in the world. Lord Mansfield sat in the same Cabinet with the late earl of Chatham, but it appeared that noble lords on the other side were become so delicate, that they could not now stomach what that great man thought perfectly consistent with the constitution. It was said that regency acts did not afford precedents in point, as they were passed on extraordinary occasions, and intended for only short periods. The last bill of that kind, however, which passed, was in contemplation of a minority which might have continued for 15 or 16 years. The noble lord, then, must suppose that the present administration would last longer than that period, and he was happy to draw from his opinion so favourable an omen of its duration. From some opinions which had been declared on this question, he was at a loss to conjecture what idea some noble lords had formed respecting the judges of the kingdom. It appeared to be their wish that persons in that situation should have no relations with the rest of society; that they should have no friends, no children, and be divested of all the feelings common to human nature. The house would recollect that the lord justice-general of Scotland was a member of the late administration. The present lord justice Clerk in that country was a colonel of a volunteer corps, and so far was he from thinking that association of offices improper, that he avowed it on the bench: and when a case came before him, in which two persons belonging to his own regiment were parties, he intimated to them to call on him privately, and he would settle their difference. It appeared that learned lord had no desire to keep distinct the military and judicial character, though that was a separation particularly insisted upon by lord chief justice Holt, whose authority had been so much relied on by the noble lords on the other side. It seemed to be made a great objection to the present administration, that a seat in the Cabinet should be occupied by a noble and learned lord, who held no office in the executive government. This objection would, however, apply with at least as much force to the late administration. Had he gone round that Cabinet, and asked each of the members that composed it, what they did in the government? he believed that very few of them would have been able to give an answer to the question. Whether their lordships looked across the Atlantic, or considered the situation of the continent, they would perceive every where melancholy proofs of the consequences of the rash and intemperate councils by which his majesty's late government had been directed. It was therefore absolutely necessary to call to the administration of public affairs men of known integrity and talent; men capable of forming an efficient Cabinet, in which no persons should be introduced merely for the purpose of filling a chair.

Lord *Mulgrave*, in allusion to an observation of the last speaker respecting the publication of the treaties with foreign powers, said, that he should consider it as the happiest day of his life, when he could meet him on that subject, and challenge him to bring forward a specific motion on the subject.

Lord *Holland* said, he neither gave, nor would give any pledge of bringing forward any such proposition.

Lord *Grenville* said, that person must be very confident in his abilities, who could hope to add to the arguments which had been advanced in support of the appointment against which the motion of the noble earl was directed. That appointment was no object of trite responsibility. If there was any illegality to be discovered in it, if it was found to be unconstitutional, if it threw suspicion upon the pure administration of justice, it was upon the person who addressed their lordships, that the guilt, if guilt there was attached to it, solely and exclusively rested. It was he who counselled it, it was he who suggested it, it was he who had given his written advice to his majesty to that effect. He was glad that the subject had been submitted to the consideration of parliament. He had always found, in the course of no short official life, that whenever any question excited apprehension in the public mind, the most advisable course was to bring it into speedy discussion. Much pains had been taken, out of that house, to impress a conviction that the appointment was illegal; a noble and learned lord had said that it was not. It was stated to be unconstitutional; here again the same noble lord declared it was not. The noble and learned lord (Eldon) said that he upon the occasion would have acted as lord Ellenborough did, and he was persuaded the noble lord would not have acted in a manner which he would consider as improper. Much stress had been laid upon the opinion of judge Blackstone. Whatever merit might be discoverable in that writer, it could not be denied that many of his theories were fanciful and impracticable. He would attack the principles advanced by the noble lord who had spoken so long and so eloquently, and assert that there was no such distinction to be found in the constitution, as that which he endeavoured to maintain. He would give but little authority to the wild, the beautiful theories of Blackstone, for, in order to meet them, it would be necessary to abrogate the jurisdiction of that house. What do the noble lords say by way of answer to the precedents produced? Why this; the case of lord Mansfield was one innovation upon the constitution, let us not have a second. From the earliest periods of our history it would be found that legal persons have been called to the councils of the reigning sovereign. The grand justiciary formerly was the first minister. His lordship then examined the precedents of sir Edward Coke, of sir W. Temple, of the regency of queen Anne, charged with no light matter, the settlement of the political succession to the crown. Of that regency were both the chief justices members; and if seditions had taken place, if libels had been published tending to obstruct that settlement, the offenders must have been tried before one of those judges, if he did his duty.—With respect to the instance of lord Mansfield, he would say a few words. He never could have thought, that it would have become his duty to defend the memory of lord Mansfield against the reflection which had been thrown upon it, that his character for the administration of justice had suffered during a certain period of his life. His lordship here read several passages from the speech of lord Mansfield, upon the motion brought forward against him in the year 1775. The charge then was, not that he was at the same time chief justice and a Cabinet minister, but that long after he had ceased to have a seat in the Cabinet, he continued to be one of the secret advisers of his majesty. His lordship next observed upon the cases of chief justices Holt, Lee, Mansfield, Kenyon, the last of whom, it was said, was only occasionally called to the council. There was nothing, he said, which should prevent a firm and upright judge from doing his duty, both as the head of the criminal judicial power, and as one of his majesty's Cabinet council. He cited from a minute of the council, a precedent, on the 9th of June, 1780, when chief justice Wedderburn attended it to enquire into the cause of the late riots, was one of the sub-committee which collected the evidence, and reported upon it to his majesty, and afterwards was one of the commission which sat in the Borough for the trial of the rioters.—Having pointed out a variety of instances in which judges had attended the Cabinet council, his lordship observed, that the answer given to these instances was very extraordinary. It was said, that the judges whose names had been mentioned, had only attended the Cabinet occasionally, and that therefore their cases afforded no precedent. But it was manifest, that to them the objection urged by the noble lord would most particularly apply, since they had attended the council for the express purpose of examining persons who might afterwards be tried before them. If the noble lords who supported the motion were serious, they would carry it a little farther, and propose to resolve that it is inexpedient for his majesty to appoint any minister but with the consent of parliament. He certainly never expected to have such a subversion of the royal prerogative attempted. If a motion of this kind were to be carried, the constitution could not exist for six months after it. He therefore hoped that their lordships would never allow it to find a place on their journals. It was worthy of remark, that the noble and learned lord, whose situation had given rise to this discussion, had been himself called upon to advise his majesty, through the means of persons who now supported this motion. After having advised his majesty to make him lord chief justice of the court of King's Bench, they advised that he should be called to a seat in that house, the great council of the nation. The patent by which he was so called stated expressly, that he was to advise his majesty on the arduous concerns of his reign, and the great dangers thereon impending. He had no difficulty in declaring the motives which induced him to advise his majesty to call the noble and learned lord to his councils. He knew him be a man possessing a great mind, and whose services the situation of the country demanded; he knew him to be a man of a firm mind, such as the times required. He knew him to be a man of the greatest purity and integrity, and therefore calculated to do credit to the government. Instead of entertaining an opinion similar to that of the noble lord (Mulgrave) he thought that no better proof could be afforded of the determination of his majesty's ministers to act according to the laws of the land, than placing in the Cabinet a man deeply versed in those laws, and who could have no temptation from the expectation of any emolument. His lordship declared, that he therefore should not repent of having given a written advice to his majesty to call the noble and learned lord to his councils. He was also convinced that the noble lord himself would not repent his having taken on himself a laborious occupation, when his efforts were to be directed to the great purpose of rescuing his country from a situation of great difficulty and peril. Under these circumstances he was confident that nothing but good could result from the advice which he had thought it his duty to give to his majesty.

The *Lord Chancellor* left the woolsack and spoke against the motion. He thought it could not be attended with any solid good. His majesty had been pleased to call the noble and learned lord to the most honourable situation; and from his long knowledge of the character, conduct, and capacity of his noble and learned friend, who was a sound constitutional lawyer, no man was better entitled to the honours bestowed on him in his various appointments of chief justice, privy counsellor, and member of the Cabinet. If those who differed from him on the occasion, persisted in their opposition, the burthen lay upon them to prove that his last appointment was either illegal or unconstitutional. The appointment now challenged had been known as the practice of the antient constitution. Why should his majesty be prevented from the free exercise of his prerogative, in calling to his councils or his Cabinet any man in whose abilities he reposed particular confidence? But not to call into his majesty's Cabinet or councils a nobleman whose knowledge of the law of the land, and of the constitution of the country, was in every degree fully admitted, would be an absurd infringement of his majesty's prerogative. The motion should have his decided negative, for he would never lightly consent to alter any part of the ancient constitution of this country. The scenes which had been exhibited on the continent, afforded a terrible example of the mischief which was likely to result from any attempts to introduce reform founded on theory and speculation. It was the peculiar advantage of the British constitution, that it had been formed gradually, that it was the creature of time and circumstances, not the offspring of any theory. The noble and learned lord then dwelt upon the very honourable situation which he so unworthily occupied in that house; but, notwithstanding his present elevation, he declared that he would never forget his duty to the people, whose partiality he had so long and so happily experienced—He would never forget the active and successful part which he had always taken in support of the trial by jury. These facts, honourable to his individual recollection, induced him to declare, that if he saw any danger from the appointment of lord Ellenborough to a seat in the Cabinet, he would have thought it his duty to have opposed him. Referring to the character and conduct of the late lord Mansfield, he bestowed on that great man the warmest panegyric; and noticed, with particular pleasure, the honour he had in presenting to his lordship an address from the bar, on his retirement from the seat on the bench which he had so honourably and so nobly filled for a series of years.—The question was then called for, when the motion was negatived without a division, and, about one o'clock, the house adjourned.

HOUSE OF COMMONS.

Monday, March 3.

[MINUTES.] Mr. Hurst presented a petition from the debtors confined in the gaol of Horsham in Sussex.—Mr. Sheridan, col. M'Mahon, Mr. Courtenay, and admiral Markham, took the oaths and their seats, on their re-election.—The sheriffs of London presented at the bar a petition from the lord mayor, aldermen, and commons of the city of London, in common council assembled, relative to the enlargement of Smithfield Market. Referred to a committee.—Mr. Whitbread said, he was desired by the committee, of which he had been appointed chairman, to give notice, that he should to-morrow make a special communication to the house on the subject of the impeachment of lord Melville.—It was ordered, on the motion of Mr. Foydell, that there be laid before the house an account of all the wool, woolfells, &c. imported into England for the last 20 years, distinguishing the quantity imported from the United States.—The Greenland whale-fishery bill was read a second time; to be committed to-morrow.—The qualification indemnity bill was read a third time, and passed.—On the motion of Mr. Vansittart, pursuant to notice, the house went into a committee on the Irish revenue acts. In the committee a resolution was agreed to for continuing the duties granted to the 25th of this month for a time to be limited. The house having been resumed, the report was ordered to be received to-morrow.—Mr. Alexander brought up the report of the committee on expiring laws. The resolutions were severally agreed to, and it was ordered to be an instruction to the committee appointed to prepare the expiring laws bill, to make provision therein pursuant thereto.—The order of the day for the house going into a committee of supply, being read.—Sir P. Stephens moved, that the estimates for the navy and transport service, presented in Jan. last, be referred to the said committee, which was ordered. —The house then resolved into the committee, when the different estimates were moved, and the report ordered to be received to-morrow.

[AFFAIRS OF INDIA.] Mr. Meux, from the office of the commissioners for the affairs of India, presented at the bar the papers moved for by Mr. Paull, on the 25th and 28th of June, 1805. Ordered to lie on the table, and, on the motion of Mr. Paull, to be printed.

Lord *Temple* said, he had no objection to the papers being printed, voluminous as they were. It was a subject of high importance, and every member should be enabled to consider it with mature deliberation. As the hon. gent. had, however, professed that he had moved for these papers with a view of grounding a charge against marquis Wellesley, he hoped he would not fail to bring it forward, as it was of the utmost consequence to the honour and character of his noble friend, that, after what had been suggested, a full and fair enquiry should take place. The hon. gent. had said, these were all the papers he intended to move for on that subject. He would, therefore, request of the hon. gent. to say, when he intended to bring forward his motion.

Mr. *Paull* said, it was now upwards of 9 months since he had moved for some of these papers, and they were but just furnished to the house. As soon as he had leisure to peruse them, so as to arrange the matter on which to ground his motion, he should certainly bring it forward, and submit certain resolutions respecting the conduct of the governor-general to the consideration of the house.—All the papers were ordered to be printed.

[AFFAIRS OF INDIA.] Mr. Alderman *Prinsep* stated, that in compliance with the suggestion of a right hon. member (Mr. H. Addington, see p. 242.) he had the other day consented to omit the word "bullion," out of a motion which was then agreed to, not being aware that he thereby, as he now found, destroyed the object of his own motion. He therefore moved, that the order be read and discharged, for the purpose of having one containing the word bullion substituted in its place.—The order was accordingly discharged; and on the question being put, for the insertion of the word "bullion,"

Mr. *Huddlestone* objected to it, on the ground, that the account was a detail of commercial concerns, which he did not think was proper to be made known. He was unavoidably absent, on the day when the hon. alderman brought forward his motion, or he should then have opposed it.—The hon. gent. said, that the evils which now oppressed the East-India company, were not imputable to the directors.

Mr. Alderman *Prinsep* appealed to the candour of the hon. director, whether it were a fair proceeding to object to the amendment of adding a single word to a motion, which had already received the sanction of the house, and to which no objection had been made, previous to the order being discharged?

Mr. *H. Addington* said, the word "bullion" was in the original motion, and the hon. alderman had agreed to its being struck out, on his suggestion to the hon. alderman that it was unnecessary. If, however, the hon. alderman now thought that the purposes of his motion would be better answered by the "bullion" being again inserted, he saw no reason why it should be objected to.—The amendment was agreed to.

[LORD ELLENBOROUGH'S SEAT IN THE CABINET.] Mr. *Spencer Stanhope* said, that though he had had the honour of a seat in many parliaments, had been a constant attender, and spent many of the best hours of his life in that house, yet he felt himself at that moment in a situation novel and embarrassing to himself, and beyond his abilities to fill adequately. A train of circumstances wholly casual had led him to be the mover of a question of high constitutional importance. Had he considered it at all in the light of an opposition question, he certainly would not have been the mover of it; he thought it much more of the nature of an election petition, denying the eligibility of the lord chief justice of England to a seat in the Cabinet. Had he meant it as hostile to the present administration, the right hon. gent. opposite to him (Mr. Fox) would hardly have been the first to whom he communicated it, which in truth he was. The proposition he meant to conclude with, he should have been ready at any time and under any administration to support. If the late minister had called the late lord Kenyon to a seat in the Cabinet, and the right hon. gent. had then objected to the measure, he would have found him amongst the readiest of his supporters. It was even friendly to the administration in two different ways; if his arguments prevailed and the chief justice no longer remained a Cabinet minister, he thought that, notwithstanding that noble lord's acknowledged abilities, the Cabinet would be more popular throughout the nation; if they did not prevail, at least it afforded to the right hon. gent. an opportunity of removing those objections which had made so strong an impression on the public mind. To destroy all possible suspicion of this being the commencement of an opposition to an administration which had not yet had time to do any one act, he thought it fit thus publicly to declare, that if he had the honour at this moment to be called into the royal closet to be consulted on the propriety of removing from office all who had been just appointed, he should most earnestly disadvise any such measure. This declaration was probably the only mode in which so unimportant an individual as himself could ever offer any advice to his sovereign, but he would take the liberty of using this opportunity of giving some advice also to the right hon. gent. opposite. If that right hon. gent. preferred the character of the leader of a party to that of the ruler of a nation, if he could not recollect with a view to imitate the noble saying of Louis the 12th of France, "that a king of France should not remember the quarrels of a duke of Orleans," if at the very moment he was calling for an oblivion of past causes of difference, he went out of his way to declare that he himself retained every sentiment he had ever uttered, even when he could not but know that in some of them a vast majority of this house and of the country were against him, I will with confidence foretell, that his administration will not be such as the times demand; that it will neither be honourable to himself nor beneficial to his country, nor yet of long duration.—I come now to the argument on which I mean to found my motion, and request that the king's speech at the beginning of his reign respecting the independence of the judges, and the act passed in consequence of it, may be entered as read. On this ground, I take my stand; here I find the great principle recorded and enacted, that the judges should be independent, and their independence made permanent. Whatever tends to lessen that independence, to render any situation a judge may hold less permanent, is a breach of the spirit of that law. Such I affirm a seat in the king's executive council to be; it is a station of the highest honour that a subject can attain, and he holds it only during pleasure. I envy not the feelings of those who may think that there being in this case no salary annexed can make the smallest difference in the argument; money is so far from being the only inducement to influence a generous mind, that it is almost the lowest. I am sure the right hon. gent. opposite would not exchange his situation in the Cabinet for a salary ten times the amount of what he now receives. It has been alledged, that it would be a limitation of the royal prerogative to prevent the crown from consulting in Cabinet with any privy counsellor it may chuse; to this I reply, with all or any except a judge at common law. By making a man a judge he becomes essentially disqualified from being a party or adviser in prosecutions. A judge should not only be above all bias, but above all suspicion of bias. How is that possible, if he is in the situation both of party in council and judge in court? It is a pitiful subterfuge to say, that in such cases he may withdraw or refuse to attend the Cabinet. What security can we have? What knowledge can the culprit have that he has so done? But if he were, still the partners of the firm remain. It would be a good cause of challenge against him as a common juryman; and, is it to be endured, that a judge should be allowed to try a cause upon the bench, which he would be disqualified to decide upon in the jury-box? Besides, sir, as a Cabinet counsellor, he would sit in a different situation from the rest of the board; though he should incur the censure of this house by his conduct there, he would still remain the lord chief justice of England. Would that be fitting? Would it further the ends of justice? Would it not be a monstrous incongruity, that a man condemned by the declared voice of parliament, should remain at the head of the criminal law of the kingdom? Again, sir, though I contend it does not limit the prerogative of the crown, it does in one sense limit the powers of this house. It is not probable that we should ever again come to such a resolution as was passed in the very last sessions, when we ordered lord Melville to be tried in the court of King's Bench. Had the lord chief justice been then a colleague in Cabinet with that noble lord, it could hardly have entered into the mind of a single individual in this house, to have sent him to be tried before one of his colleagues.—I come now to what have been mentioned as precedents; but, in the first place, I protest against all in favour of this appointment, which were not distinctly known to this house, and which were antecedent to the first of George III. which is the last declaration of parliament proclaiming the independence of the Judges.—I will first notice the argument, if such it can be called, that the chief justices have more than once been named of councils of regency: to this no objection in my opinion can be made. No person in the state can be a fitter member of a regency than the lord chief justice of the King's Bench; but, surely, it necessarily implies a temporary suspension of his functions as a judge. Nor is this my opinion only; I take it from judge Blackstone, who gives precisely this as the reason why it would be wrong for the monarch in person to administer judgment in Westminster-hall; namely, that being the prosecutor, he ought not to be also the judge. I have heard it rumoured, that lord Holt and lord Hardwicke were for a short time in the Cabinet at the time they were chief justices; but I can find no proof whatever of the fact, and certainly none whatever exist of the house of commons having any knowledge thereof at the time. Lord Mansfield, then, remains the only instance that can fairly be adduced, and when was that known to either house of parliament? Not till ten years after he had withdrawn himself from that situation, and not till it was charged upon him as matter of blame by the father of the present chancellor of the exchequer, the late marquis of Lansdowne. High and splendid as that noble lord's abilities were, there was a time when as a constitutional lawyer he did not stand very high in the estimation of the right hon. gent. opposite to me. A further confirmation of his not being nice upon subjects of this nature is, that he had in the year 1780 the indelicacy to preside on the trial of lord George Gordon, who was charged with heading the very mob who burnt lord Mansfield's house. Why is it that the appointment of chancellor should be revocable at pleasure? but, because he must by his office be necessarily concerned in affairs of state. Whence is it that puisny judges never set their foot in the court of St. James's, but, because they should not only be unbiased but unsuspected of being influenced by the hope of preferment?—I come now to the precedents on the other side. The evil effects of statesmen acting as judges, were severely felt in former times in the court of Star Chamber, and not less so of judges being statesmen in the iniquitous conduct of lord chief justice Jefferys. The last precedent I shall adduce, and the only one in which the house of commons has been called upon to declare an opinion on this subject, is to be found in the journals of the 3d of May, 1782, when the right hon. gent. filled the same office he now does. An address on that day passed this house to his majesty, praying that he would be pleased to recall sir Elijah Impey, knight, one of the judges of the supreme court of judicature, at Fort William in Bengal, to *answer to the charge* of having accepted an office granted by, and tenable at the pleasure of, the East-India company, which had a tendency to create a dependence in the said supreme court upon those, over whose actions the said court was intended as a controul, contrary to the good purposes and true intent, and meaning of an act of the 13th year of his majesty's reign. Sir Elijah Impey could never be meant to be a controul over the servants of the East-India company, but wherein they had done wrong: and surely, the lord chief justice of England has as much controul over all wrong-doers in this country, as he could have in Bengal.—I will add but one sentence more of my own: That my objection to lord Ellenborough's remaining in the Cabinet, is because he is a judge. If he were not so, there is not a man in it whom I should think more worthily placed there than that noble and learned lord. I will now read two quotations from authors of the highest authority, and then the three resolutions which it is my intention to move. Mr. Addison says, in one of his periodical papers, "the best law," (meaning the act of King William) "that ever was passed in our days, was that which continues the judges in their posts during their good behaviour, without leaving them to the mercy of such as might, by an undue influence over them, trouble and pervert the course of justice." Judge Blackstone says: "In this distinct and separate existence of the judicial power in a peculiar body of men, nominated indeed but not removable at pleasure by the crown, consists one main preservative of the public liberty; which cannot subsist long in any state, unless the administration of common justice be in some degree separated both from the legislative and also from the executive power. Were it joined with the legislative; the life, liberty, and property of the subject would be in the hands of arbitrary judges, whose decisions would be then regulated only by their own opinions, and not by any fundamental principles of law, which though legislators may depart from, yet judges are bound to observe. Were it joined with the executive, this union might soon be an over-balance for the legislative. For which reason, by the statute of 16 Car. I. c. 10. which abolished the court of Star Chamber, effectual care is taken to remove all judicial power out of the hands of the king's privy council, who, as then was evident from recent instances, might soon be inclined to pronounce that for law, which was most agreeable to the prince or his officers. Nothing therefore is more to be avoided in a free constitution, than uniting the provinces of a judge and a minister of state." The hon. gent. then moved:—First; "That it is the opinion of this house, that it is highly expedient that the functions of a minister of state and of a confidential adviser of the executive measures of government, should be kept distinct and separate from those of a judge at common law."—Second; "That it is the opinion of this house, that those members of his majesty's most honourable privy council, whom his majesty is advised to direct to be habitually summoned, and who are so summoned to that committee or selection of the said council, which deliberates upon matters of state, and which is commonly known by the name of the Cabinet council, are, and are deemed to be, the confidential ministers and advisers of the executive measures of government."—Third; "That the so summoning to the said committee, or Cabinet council, a lord chief justice of England, to sit and deliberate as a member of the same, is a practice peculiarly inexpedient and unadvisable, tending to expose to suspicion, and bring into disrepute the independence and impartiality of the judicial character, and to render less satisfactory, if not less pure, the administration of public justice."—On the question being put on the first resolution,

Mr. *Bond*, said, if he only rose as the friend of the noble lord who was the object of this motion, and he was proud to enjoy that honour, he should return his thanks to the hon. gent. who had brought the subject forward for discussion. It was well known that this subject had undergone much discussion out of doors, where it had not been fairly considered. He admitted, that the objection to the appointment of his noble friend to the Cabinet, was one which was calculated to make an impression on the first view. But he hoped to persuade the house before he should sit down, that however plausible this objection might appear at first, upon being thoroughly sifted, it would be found to contain nothing real or solid. The object of the present motion, was to remove the noble person, who was the object of it, from the seat he possessed in the Cabinet. The whole tenor of the hon. gent.'s speech pointed to that end. And at a moment of the most unexampled danger and difficulty in which the country had ever been placed, when it was on all hands admitted, that all the wisdom, all the energy, and all the talents of the country should be united in its service, the first question that was brought forward was one for depriving the country of the service of a noble lord of such high talents, such eminent abilities, such great experience, and incorruptible integrity, as were possessed by the distinguished personage who was the object of this motion. He admitted, that if the noble lord had been called to a situation incompatible with his judicial functions; if he had been brought into an office that would impede the impartial administration of justice and the laws; if such were the case, whatever advantages might be derived from his eminent abilities, he would rather they should all be foregone, than that such consequences should be produced. He felt, that the administration of justice was one of the greatest blessings any country could possess, and that it was purer in this than in any other quarter of the globe. He considered the end as infinitely beyond the means. It was the upright administration of justice that secured the government and protected the people, and insured to the individual, who sought wealth in foreign climes, the quiet and undisturbed enjoyment of the fruits of his industry on his return to his native land. There would be no value in wealth, if the government at home were weak, and the channels of justice polluted. But he wished the house to consider what would be the effect of calling lord Ellenborough to the Cabinet? That noble lord was no common person. If any man could be independent; if any human circumstances could insure independence, that noble lord could not but be independent. He had attained the highest rank in his profession. He stood in that proud, eminent, and exalted situation, in which no object could be presented to him to tempt him to swerve from his duty. He was a public character too, more under the observation of the public than any individual in the nation. All the business of his court was public, and there was a greater variety of cases submitted to its decisions, than to that of any other court of justice. He would venture to say, that whilst so high a sense of moral rectitude, whilst so scrupulous a regard to justice prevailed in this country, no chief justice would ever be found to act unjustly. He should be glad to know, what objection there could be to the noble lord's assisting at the deliberations of the Cabinet on foreign affairs, and that council was first called the committee for foreign affairs? The relations of foreign nations, and of this country with them, must in the present state of things, constitute a considerable part of the deliberations of that council; and he would be glad to know what there was in such discussions that could tempt a judge to swerve from his duty? It was perfectly true, that there might be questions relative to sedition, insurrection, or treason, brought into discussion in the Cabinet, and that, after attending such discussion, the chief justice might also have to preside a sjudge at the trial of the offenders. But what effect would that produce on his mind? He desired it to be recollected, that no person was appointed to the place of judge, till after a certain time passed in the profession, when he had acquired profound learning and great experience. Was it likely that in such a man his principles would be afloat, or that he would be led by the Cabinet? Was it not more likely that he would lead the Cabinet. (A loud cry of hear! hear!) He should repeat the expression. He should again insist, that on questions of criminal law or prosecutions, it was likely that a criminal judge's opinion would influence that of the Cabinet, and that in that sense he would lead the Cabinet. If his advice should be acceded to, he would come to the trial without any bias; if his opinion should be rejected, he would not be the less influenced by it, and would exercise his function under the obligation of his oath; so that in either case it would come to the same thing. The hon. gent. had adverted to the case in which the chief justice would come to the trial, as a party, as in the case of a libel against the ministers, of which he was one. Every man who knew any thing about the administration of justice, knew, that in trials for libel, little was left to the judge; whilst the whole was decided by the jury. The judge stated the law; and if he mistated that, or otherwise injured the party, he had his remedy, in an application for a new trial to the court. In cases where libels happened to be under consideration of the Cabinet, a judge need not attend, or, if he wished not to preside at the trial, he might apply to have another sent, and the commission—(hear! hear!) He was aware of the use that would be made of this observation, that of inconvenience; but he contended that no such consequence would attend the practice. He hoped, therefore, that no argument would be founded on that ground. As to the supposition of the incompatibility of the two offices, from the circumstance of the possibility of suspicion being entertained with respect to the administration of justice, the hon. gent. stated the suspicion in the first resolution, but gave it up in the last, where he admitted the purity. If the purity of the administration of justice were doubted, then there might be ground for suspicion; but when that is admitted, the administration of justice must be satisfactory. A man should act in the strict line of his duty. If he was to avoid a duty for the purpose of evading suspicion, he could never act right. But he would ask, if the existence of suspicion, or if even well-founded suspicion were to be made the ground of a motion for removing the noble lord from his majesty's Cabinet, whether the hon. gent. would go farther? Whether he would move to have the noble lord struck out of the list of privy counsellors? off the list of peers? Did not the same suspicion apply in an equal degree to both these cases? All judges were summoned to examine prisoners with the privy council and Cabinet ministers conjointly. The cabinet discussed measures in the abstract. Chief justice Holt attended the examination of the rebels who were afterwards to be tried by him; and chief justice Eyre attended for the same purpose in the privy council, in a recent instance, and afterwards proceeded on the trial of the individuals there examined. Was it possible for a noble lord of such eminent and transcendent talents as the noble lord; was it possible for any man that was a statesman, and that noble lord was a great statesman, if he saw a party formed to thwart and embarrass the measures of government, not to take a part on such an occasion? If the gentlemen were serious, they had not reached half way towards their end. What was the end the gentlemen proposed? What was the object of their record? What the end of their innovation? (hear! hear!) He repeated that it was an innovation. It had not been stated either in the speech of the hon. gent., or in the resolutions, that the appointment was unconstitutional, illegal, or unprecedented. It was not unfair in argument, therefore, to assume the omission, to state what amounted to an admission, that it was not so. As to what had been said of the effect of the chief justice prejudging a case from the discussion it might undergo in the Cabinet, that would apply equally to all magistrates, who first examined the case by the testimony of witnesses, and afterwards sat at sessions. With respect to the authority that had been so much relied on, on which the hon. member had laid so much stress, viz. the quotation from Mr. justice Blackstone, the whole of that passage was part of a longer one, which Mr. justice Blackstone had extracted from Montesquieu's Spirit of Laws, which was a theoretic treatise on government. If Mr. justice Blackstone, when he copied this passage into his work, understood it in the sense in which the hon. gent. represented it, the theory was ingenious, but it did not practically apply to the circumstances and constitution of this country. As to all that had been said with respect to the impropriety of any persons being admitted into the Cabinet besides the chancellor and the ministers of state, who held executive offices under the crown; and that those should not be called to that council who might be summoned for advice this day and not the next, it seemed to him like raising up shadows for the purpose of fighting them. There is one case in which the situation of the chancellor cuts in more nearly with that of the chief justice. In the case of a petition of right, where a subject is the claimant against the crown, he has to decide, and yet is never suspected of acting under any bias. In the case of the trial of peers also, he has great powers for according in the present practice, he invariably acts as lord high steward. During the sitting of parliament, his powers are more limited, he acting only as speaker. But in the recess he pronounces the law in every instance. Before the 7th of William III. the lord high steward had extraordinary powers indeed, having to summon at first only sixteen peers, though afterwards twenty-three. The peers act as jurors, and he explains the law precisely as the lord chief justice does. This had been the uniform practice, and yet no gent. had yet been found to get up in his place and say that this practice was an evil that ought to be got rid of. He admitted that it was better to look for precedents in modern times, though he would not allow, that no instance was to be taken antecedent to the time of the 1st of George III. to shew the non-existence of that jealousy, which, in the present circumstances and times, began to display itself. In the reign of Edward III. an act was passed, directing, that the chancellor and the king's chief justice should be near his majesty, in order that he might not want the advice of the sages learned in the law. However, it was better to refer to modern times. He believed lord Hardwicke, whilst chief justice, had a seat in the Cabinet. He did not state this as a matter that could be proved, though he had it on the authority of persons on whose veracity and accuracy he placed the greatest reliance. By this it appeared, that that noble and learned lord had not thought a place in the Cabinet inconsistent with the duties of his judicial office. Lord Mansfield too, for whom he had a high veneration, though he could not accord with his principles in every instance, had continued to sit in the Cabinet whilst chief justice from 1757 to 1765. He too did not think the situations incompatible. It was to be recollected too that no apprehensions were then entertained on the subject; no such motion as the present had been made. This was a convincing proof of the acquiescence of the house and of the country in the propriety of the measure. In the sixth of queen Anne, when her dissolution was apprehended, an act had been passed for establishing a regency, on that event, to continue for six weeks after her death. This regency was composed of the seven great officers of state, amongst whom her chief justice Holt was one. It was not be supposed, that such a measure would have been passed without his concurrence. It was fair, therefore, to infer, that his authority was in favour of the measure, though he died before queen Anne; and chief justice Parker became, on her majesty's death, one of the justices. He was afterwards appointed one of the confidential advisers of his majesty George I. The authority of that justice too was in its favour. By the statute of the 24th of George II. chap. 24. which was passed in contemplation of a minority, a regency was appointed, composed of five persons, with extraordinary powers. If the majority did not agree to the measure, parliament could neither be assembled nor dissolved, neither the question of peace or war decided. The chief justice was one of the commissioners of regency, and yet no jealousy was felt on the subject. The act too, if it had taken immediate effect, would not have been of short duration, his present majesty's age being at that time 13 years. The next instance of an act of this nature, was in the 5th of his present majesty, for the appointment of a council of regency; and as the act was passed in contemplation of the possibility of an indisposition which his present majesty laboured under at that time, terminating fatally; if that event had taken place, the regency would have had a long continuance, as the present prince of Wales was then but three years of age; and it was to be recollected that this measure passed, notwithstanding the effects of an opposition that afterwards overturned the administration, and after the same gracious measure which his majesty had recommended for the security of the independence of the Judges. Yet no one of the very ingenious men who composed the opposition of that day, started a question respecting the jealousy that was at this time sought to be promulgated. If there was any trust to be reposed therefore; if there was any sacred trust to be conferred; if there was any degree of confidence of a peculiar nature to be placed in any person, the house would resort to the noble lord, who was the object of the present motion, in place of exciting amongst the subjects of the country a distrust in the administration of justice. It should be recollected, that this was the first time that such an effect had been ascribed to such a measure. When it was considered, that the measure then under discussion had received the sanction of so many reverend, learned, and upright Judges; when it was recollected, that it had been acted upon in the best periods of our history, and that now for the first time it was asserted, that the calling to the advice of his majesty such a nobleman as the object of this motion, a man of such talents, knowledge, experience, and wisdom, would have the effect of corrupting the administration of justice; he implored the house not to remove a nobleman of such integrity and independence, who had reached one of the highest offices in his professsion, to whom only one step more remained to be ascended, and who, it was well known, had refused that step, from the means of contributing to the public service by his counsels and advice. He called on them not to restrain the prerogative of the crown, in the undoubted right his majesty possessed of calling any one of his subjects to his councils. After a few more observations on this subject, the right hon. gent. concluded by moving as an amendment "That the other orders of the day be now read."

Mr. *Canning* said, that before he proceeded to state shortly the grounds on which he was about to support the motion which had been made by his hon. friend, he wished to say a few words, with a view to disclaim the motives which seemed to be attributed to him and those who thought with him, by the right hon. gent. who spoke last. That right hon. gent. had said, that at a moment when the union of all the talents that could possibly be collected was so necessary to meet the dangers and difficulties by which the country was at this moment so peculiarly weighed down, he and his friends were attempting to drive from his majesty's councils a person of the most eminent talents, acknowledged virtues, manly judgment, and unquestionable integrity, which he had described. He, for one, protested against this most unfair mode of arguing. When a question of this nature was brought forward, if he had his wish, allusions to personal character would form no part of the subject. If the question was at all worthy of attention, and that it was, the right hon. gent. himself admitted, when he told us that this affair had made a deep impression on the country, and that the grounds on which it was supported appeared at first view extremely plausible, if it was at all worthy of attention, then it was fitting that it should be discussed on its own merits, as relating to a chief justice, and not as referring to any particular individual. It was therefore, he contended, unfair in the right hon. gent. to impute any motive whatever to them that pointed at the character of lord Ellenborough, when they in fact argued not from the unfitness of that noble and learned lord in particular to fill a situation in the Cabinet, but from the unfitness of the place for any person who held the office of lord chief justice. If the high talents and integrity of lord Ellenborough were deemed so essential in the Cabinet—and to every thing that could be said in his praise he was perfectly willing to subscribe—then there was an obvious mode of availing themselves of those talents and that integrity, by advancing the noble and learned lord one step higher, and putting into his hands the great seal; and, after the panegyrics which had been lavished on the independence of the noble and learned lord, he could not believe that he had refused to accept this promotion, from the consideration that it was better to retain a place for life than accept the precarious office of lord high chancellor. But, not contented with asserting that a judge might with propriety sit in the Cabinet, the right hon. gent. also maintained, that his very independence rendered him one of the fittest persons in the world for such a situation, because he could give his opinions unwarped and unbiassed by any consideration of self-interest. He viewed the matter, however, in a very different light from that in which it was regarded by the right hon. gent. He considered it in that point of view in which it had been represented by his hon. friend near him, who had not been answered on this head. He thought that the holding a situation which was in its nature precarious, and yet an object of ambition, had a tendency to destroy the confidence which resulted from the independence of the judge. He trusted he could not be here misunderstood, so far as to be thought to allude to any particular individual. He only viewed the point in the abstract, and contended, that when you placed, in the situation above referred to, a person who by law had been jealously made independent, you did in a great measure do away the effects of that independence. This would be evident, if once it was admitted, and it could not be denied, that the removal of a lord chief justice from a place which was an object of ambition, would be attended with some degree of discredit to him, for, to avoid this discredit, there would at least, on some occasions, be a temptation for him to act in a manner not altogether consistent with his duty and character. That it was an object of ambition to hold a place in the Cabinet, he thought could not be denied. The thing had of late been abundantly proved; for it was impossible to converse in the street, or read the newspapers during the last six weeks, without knowing how eagerly such places were sought after. In four instances it had been lately proved that Cabinet places were considered as objects of ambition, in addition to other efficient situations. He therefore, he supposed, might take it for granted, that a place in the Cabinet was an object of ambition; and when this was admitted, the matter of salaries and emoluments made very little difference in the present question. The right hon. gent. agreed in the panegyrics that had been pronounced on the administration of justice in this country. It was one of the greatest blessings, if not the very greatest, of our constitution. It was no less firm than it was valuable. It had withstood the shock of parties, of usurpation, and of rebellion. To what cause were we to attribute this? Not to any particular statute by which the distinction between the judicial and the executive powers had been established, but from the universal feeling and sentiment that such a distinction ought to exist, and that with the exception of a very few instances it had existed. But, if the administration of justice in the country was thus admirable, it was the most important of all duties, and would afford ample employment for all the talents, virtues, integrity, and every other excellent qualification, which had been justly ascribed to the noble and learned lord who at present occupied the situation of lord chief justice. What he objected to was this, that instead of confining the attention of any lord chief justice to the discharge of his duty in that capacity, which would afford him full and ample employment, you were starting other objects of ambition to which his views might be directed. He would indeed still pursue the objects which were more intimately connected with his profession; but instead of building his fame on the strict and honourable administration of justice, he might be aspiring after other objects of ambition. A most serious evil was thus introduced, which would be done away by the passing of these motions; or, if that could not be hoped for, he would at least indulge the expectation, that it would be remedied by the mature and unbiassed reflection of those persons who now formed his majesty's administration.—There was one very great fault and error into which the right hon. gent. had fallen, for his argument seemed to imply, that independence was not so absolutely necessary in a judge as had been imagined; but then he said, that there was always a remedy in case of error. But the point was, to guard, if possible, against all chance of error from any bias of the judge in the first instance. The right hon. gent.'s argument went to this extent: suppose the case of a libel; he said, that the matter did not so much rest with the judge as with the jury, and after all a new trial might be granted. But, was that the way in which the right hon. gent. thought a great constitutional question ought to be treated? Was that the way in which a measure ought to be discussed, which, by his own admission, had made so great an impression on the feelings of the country? But then he said, that in the agitation of particular questions in the Cabinet, the noble and learned lord might, if it was thought expedient, avoid attending. This might undoubtedly be the case; but was this the sort of security which ought to be enjoyed in this free country? The right hon. gent. had found fault with these motions, because they were so moderate, and spoke the simple truth, and nothing but the truth. It was well known there was no positive law existing at present which opposed this measure, and therefore it could not properly perhaps be called illegal, and it might not be correct to call it unconstitutional till the point was clearly established. But what he said was, that it was extremely inconvenient, and contrary to the principles of reason and common sense, that the judicial and executive powers should be combined in the same person. As to the point of suspicion, it was certain that no man was obliged to remove from a situation where he was useful, merely because others chose to suspect him without reason. But if, however, an alarm was by this means occasioned relative to a matter of such great importance as the present, and if it was not necessary or very expedient that the cause of such alarm, however unfounded, should exist, he thought it was proper that it should become a legislative object, and that every occasion of suspicion should be done away. He was surprised to hear from the right hon. gent. who was a lawyer, that it was a matter of no great consequence that suspicions should exist respecting the independence of a judge. There would always, in such a case, be doubts respecting the justice of his decisions; therefore, though there might be a remedy, it was better that there should be in the first instance no cause even for suspicion of a bias. But the right hon. gent. complained not only of the terms of the motions, but said that they did not go far enough in practice; for, in order to be effectual they ought to go so far as to deprive a lord chief justice not only of a place in the Cabinet, but also of his place in the privy council, and of his peerage. He would not, however, enter particularly on this point. But with regard to the Cabinet, the right hon. gent. said, that it was not recognized by the constitution, and that, in fact, it was nothing else than a select committee of the privy council, called at the discretion of his majesty. He never heard a more untenable proposition. In a free country such as this, where a controul was necessary, and where responsibility must necessarily lodge somewhere, were we at this day to be turned round by being told that there was no such thing in the constitution as a Cabinet? We had persons who advised with his majesty, who performed all the functions of government, who were known all over the country to be so, who were known as the Cabinet all over London, and even in the lobby, but, the moment we entered this door, then we were told that there was no Cabinet! It might be true, indeed, that the constitution recognized nothing under the name of the Cabinet, but it was not the less certain that there was such an assembly with whom the responsibility for whatever advice they gave his majesty rested.—Now, as to the question of responsibility; the right hon. gent. allowed, that every individual who joined the council in advising his majesty, was responsible for the whole. Lord Ellenborough then might be responsible for the whole, and if this was the case, he would beg of gentlemen to consider, whether on the principles of reason and common sense, or those laid down by the best authorities, whether a judge ought to be placed in a situation where it would be utterly impossible for him to divest himself entirely of the feelings of party, and which would naturally render him liable to suspicion? Now, with respect to the class of examples mentioned by the right hon. gent., there was a great and evident distinction between them and the case under consideration. It was not by any means unfit that a judge should form part of a council, which was to preserve the rights of sovereigns, but where no party politics prevailed. But here, in fact, the judge was under the controul of the executive government, and instantly became a party politician; and, if ever there could be cases, where he should doubt whether it was proper that judges should occupy places as regents or governors, it would be in cases where these judges had in the first place been Cabinet ministers. The case of lord Hardwicke, he understood to be given up, [no, no, from the other side]. He certainly had heard nothing positively asserted on that head. But the truth was, that he, after accepting the office of the chancellor, had held his former situation for a short time, merely till a successor could be appointed. Why, he would give them another instance of this kind: lord Eldon had for two months subsequent to his acceptance of the chancellorship, held his former office of chief justice of the Common Pleas, till his successor could be appointed. Why, then, they remained with the single example of lord Mansfield. The right hon. gent. had said, that lord Mansfield had held both situations, and no notice had been taken of it by parliament, although the thing must have been notorious. Now, though positive evidence could not be had on this subject, yet he could bring circumstantial evidence that the thing was not generally known. There were surmises about it, and as often as it was alluded to, it was marked with reprobation. Indeed, 13 years afterwards, his having sat in the Cabinet while lord chief justice was imputed to him as a charge by the father of a noble lord opposite to him (lord H. Petty), and the question directly put to him, whether or not the thing was true. This was put in the most forcible terms, and lord Mansfield admitted it, but said that he had, for some time, begged leave not to act as an efficient member. From this it appeared that the example was by no means notorious, and it was still more evident from the remark of lord Shelburne, who said, "that the noble lord had confessed that there was a time when he had infringed the principles of the constitution by acting as a Cabinet minister and as lord chief justice at the same time." This was the remark of lord Shelburne, who continued by observing, "that the excellence of the British constitution lay in keeping the executive and judicial powers as separate and distinct as possible;" and why? Not for the reason given by the right hon. gent. but "that a person might not be under the necessity of advising in one capacity what he might be called upon to execute in another." This example then fell to the ground. No one was more ready to acknowledge a high admiration of the talents of lord Mansfield than he was, but he would ask any person who had read the history of these times, whether that noble and learned judge would not have done much more essential service to his country if he had not mixed the character of the politician with that of the judge? But you had the example of his maturer judgment against that of his earlier years; for by refusing to act as a Cabinet minister after the year 1765, he in some measure tacitly condemned his former conduct. The only defence that could be offered for the admission of the chief justice into the Cabinet would be necessity, or strong expediency: but neither had been proved. There was an attempt to prove the expediency: but as to the necessity, the proof had not even been attempted. But having failed in the way of example, the right hon. gent. had recourse to analogy, and observed that the lord chancellor was a Cabinet minister; and said, that he would not be answered here with the remark that the chancellor had nothing to do with criminal causes. But he must be answered in this way, and the chancellor could be removed in two ways, either by the crown, which would not continue to employ a servant who might be disliked; or by an address of parliament, for malversation in office. But, suppose lord Ellenborough should give the worst advice that could be conceived to his majesty; suppose he should advise him to trample on all laws, or throw them into the fire, what could be done? Could you remove him from his office of chief justice, in which he had committed no malversation? or could you address the throne to remove him from the Cabinet? For his part, he could conceive no greater curse to a free country than an irremovable Cabinet minister.—Now, these were the grounds on which he supported the motion. He allowed all the talents and virtues that had been ascribed to the noble and learned judge, and had no doubt that their application would be found of no little use in the Cabinet, were it not that he held a situation utterly incompatible, in his ideas, with the proper discharge of its duties. He thought it therefore unwise in the greatest degree to place him in a situation which might bring suspicion on his judicial character. The example was supported by no analogy. No expediency was proved, and the proof of a necessity had not even been attempted. He valued highly the noble and learned lord's abilities; but he thought the administration of the municipal justice of the country a matter of such infinite importance, that he would not purchase all the services which for years his talents could render in the Cabinet, for a suspicion of one hour attached to his character as a judge.

Lord *Temple* said, he was convinced that the hon. mover of this business had not brought it forward as a party question. He was satisfied that, as he himself stated, he had brought it forward entirely as a constitutional question, which he would have supported at any moment, and in opposition to any administration. Yet he lamented much that before such a thing was proposed, the hon. mover and those who thought with him had not better weighed the authorities on which they had acted. Nobody was readier than he was to admit, that while the king had an undoubted right, by his prerogative, to choose his ministers, parliament had a right to declare its approbation or disapprobation of those ministers. But when a charge, instead of being brought against the ministers collectively, was confined to one individual, it assumed a most invidious aspect. The right hon. gent. (Mr. Canning) had said that his right hon. friend (Mr. Bond) had admitted that an impression had been made on the minds of the people of this country by the measure in question, and that it was a very proper subject for enquiry. But then that impression had been made, not by the thing itself, but because several respectable people had expressed doubts on the subject, to whose oppinions they were accustomed to pay a becoming deference. This was the real cause of whatever impression had been made, and this was all that was meant by his right hon. friend. But without troubling the house at any length after the question had been so fully discussed by his right hon. friend, he would advert to it briefly in a constitutional point of view. It was said on the other side, that the chief justice of the King's Bench, ought not to be a Cabinet minister. Now, from our history, till a late period, nothing could be found concerning a Cabinet, and the privy council performed all the duties which were now executed by a select committee of that council. As a proof of this, Charles I. was the first of our monarchs who formed a Cabinet, which was afterwards abolished by Charles II. At the death of queen Anne, the dukes of Argyll and Somerset entered the Cabinet, and insisted upon taking their seats as members of the privy council. The Cabinet was not responsible as a Cabinet, but the ministers were responsible as the officers of the crown. Every one's responsibility depended on the office he held. A privy counsellor was responsible as a privy counsellor, and a peer as a peer; but none were responsible as Cabinet ministers Now then, though these resolutions should pass, they could only be considered as mere waste paper; for though lord Ellenborough should be removed from the Cabinet, he would be exactly in the same situation as before in his capacity of privy counsellor, in his capacity as a peer, and as the representative of the king. If they were to be passed, then they would not go far enough, for in order to come up completely to the intentions of those who supported them, they ought to propose the removal of lord Ellenborough from his situation as a judge, as a peer, and as a privy counsellor. If there was an evil, the remedy proposed was inadequate to remove it. If the gentlemen thought that the constitution wanted reform in this point, it was open for them to state what reform they wished. The present motions were mere nullities. Now, this brought him to the question, whether a judge might properly advise his majesty as a Cabinet minister? The hon. mover had recourse to judge Blackstone on this point; yet, however, respectable as this authority was, he would in such a case as this expect something more than assertion; but he would go farther, and say, that the meaning of the judge in this passage, was by no means that which the hon. mover ascribed to him. His meaning was to be collected from his illustrations; he illustrated his meaning here by two cases. In the one, he said, that it was consistent to have the judicial power connected with the executive, or legislative, and this inconsistence was done away by the act of Charles II. which abolished the Star Chamber. Now, what were the powers of the Star Chamber? They were in all cases to decide without a jury, and without leaving the right of appeal to any other tribunal. The other case was, that despotism was more tolerable in France than in the East, because the judicial power was committed to the parliaments. Therefore by his own meaning, as it must be collected from his illustrations, the sentiments expressed in the passage adverted to will not apply in the present case. But the hon. gentlemen had not made up their minds on this business it appeared. The hon. mover insisted strongly that the admission of the lord chief justice into the Cabinet was illegal, but his right hon. friend near him said that it was not illegal, but that it was inadvisable. Lord Ellenborough had assisted in the Cabinet at the examination of governor Picton, and afterwards sat as judge on his trial. The judges were often called to the house of peers to give their advice to the lords, and therefore might often give opinions which might afterwards lead to trials before themselves in their own courts. Yet this was no objection to their giving their advice to the peers. The lord chancellor sat in the house of lords and voted in appeals from his own decisions. He desired them to look at the case of the rebel lords, in which, as well as in other instances, many peers sat in the Cabinet during the examination, and afterwards voted as judges in the house of peers. Chief justice Eyre had sat in the Cabinet and examined offenders, whom he afterwards tried in his own court. After some instances of the same nature, the noble lord adverted to the case of lord Mansfield. He had in the course of this day seen the original writ of summons issued to lord Mansfield. He could take upon him to say that noble and learned lord attended every council from 1760 to 1763. In 1763 he left off attending the council, not from any sense of its incompatibility with his judicial situation, but, according to a letter of his own, which was in existence, because he would not sit with the duke of Bedford, whose measures he disapproved of. In 1765 he returned again, and was named as one of the council of regency in the bill framed by sir Fletcher Norton, who would not have included him if the association was unconstitutional. In the riots of 1780, lord Mansfield was present at the proceedings in the council, and afterwards sat as judge upon the rioters. From all these facts, he could see no parliamentary ground for the motion now before the house. The purity of the judge could not be sullied by giving his advice in political matters. From the earliest periods of our history, the chief justice had been one of the king's vicegerents, one of the members of the councils of regency, and always summoned to give his advice on cases of great public delinquency. Thus the principle of constitutional law was in favour of the appointment.

Mr. *Canning* admitted, that up to 1763, lord Mansfield sat regularly in the Cabinet, but never after 1765; therefore the latter part of his life was, in this respect, a condemnation of the first.

Mr. Secretary *Fox* rose and spoke as follows:—Before I proceed to discuss the merits of the question under consideration, I beg leave to say a word or two as to the advice which the hon. mover has thought proper to offer me; an advice which, by the bye, was the strangest prelude that could be imagined to the observations which afterwards followed. First, the hon. gent. tells me I must not adhere to my former principles, if I hope for the support of parliament and the country, and yet the instant after (whimsical enough to be sure) he recommends me to act consistently with myself by supporting the proposition he has thought proper to bring forward. Thus, he would have me abandon all my former sentiments, and still, in a particular case that suits his opinion, persevere in maintaining them. He would have me too not to recollect the principles I expressed upon the subject of sir Elijah Impey. No, the hon. gent. would fain have me bound not by any opinion which I ever did express, but by one which I did not. Now, with regard to the subject before the house, I must say, that the introduction of it is to me matter of surprise. It is the first instance that I have ever heard of such a thing as the Cabinet council becoming the subject of debate in this house. I never knew of the exercise of the king's prerogative in the appointment of his ministers to be brought into question upon such grounds as have been stated this night. No doubt, if any one should be appointed to the privy council, or to any select committee of that council, against whom personal objections lay, it would be a fair ground for an address to his majesty to advise the removal of such a person. But where, no personal objections are, or can be stated, one must hear it recommended with astonishment, that a class of officers who are admitted to be perfectly eligible to the privy council should not be allowed to discharge the functions of a privy counsellor—should, in fact, be excluded from the performance of duties which, on their admission to the privy council, they are sworn to perform. So much as to the reason of the question. —But, in point of fact, there is nothing in our constitution that recognizes any such institution as a Cabinet council; and the house will recollect that this is an opinion which I expressed long since, upon an occasion to which every man must look back with regret (his majesty's last illness). The opinion which I then declared, I have always held, and still hold, that a Cabinet council is unknown to our law, and has in no instance whatever been recognized by parliament. That part of the privy council which his majesty thinks proper habitually to consult has, indeed, of late years, been denominated the Cabinet council. But names are of small account upon this question. Call this council what you will—either the ministers of state or the executive committee, still the law can know nothing of its members but as privy counsellors. But a few words as to the general principles. If the point were mooted, whether the appointment of a Cabinet council at all be not an abuse of the royal prerogative, I confess there would be much to say on both sides, and I should have great doubts which course to take. However, it is undeniably a body which parliament has always declined to recognise; and their avoiding any such recognition has afforded some advantage to the gentlemen on the other side, of which they have very diligently availed themselves. As the existence of a Cabinet council has never been legally acknowledged, there is, of course, no legal record of the members comprising any Cabinet; and we have it not in our power to state any thing of authority upon the subject, but what may have come within our own observation, or may have been communicated to us by our fathers. Therefore, when the hon. gentlemen ask us to produce precedents, applying to the case before the house, we must answer that we have it not in our power to produce many, and they appear to doubt even the few we can offer. Some profess to think, that the case of lord Hardwicke's being in the Cabinet while chief justice of the King's Bench, is doubtful. Certainly there is no official authority to remove such doubts. It is stated by the right hon. gent. (Mr. Canning) that lord Mansfield was not known, at a certain time, to have been in the Cabinet, until it was confessed by that noble lord himself. Although the right hon. gent. was wrong in this particular instance, still his confession serves to sustain the proposition I have in view, as to the difficulty of adducing many precedents upon this subject. The right hon. gent. has frequently spoken of the Cabinet, as a responsible body; I wish that right hon. gent., or any gentleman who supports his opinion, to point out from what parts of our statutes, or of the recorded proceedings of this house, he has learned that the Cabinet, or any individual belonging it, has been, as such, held to be legally responsible. From newspapers and conversations abroad, the right hon. gent. has professed to obtain much information upon this topic. But, upon such an occasion, would it not be somewhat more correct to consult the statutes and the journals of this house, than such sources of knowledge as the right hon. gent. has quoted? When the right hon. gent. speaks of the responsibility of the Cabinet, I would recommend him to consider, whether it would be expedient to insist upon the attachment of responsibility to the whole of such a body, for every ministerial act; and whether such a measure might not be apt to endanger, if not in most instances to defeat, the object of responsibility? For any act done in my office, I am directly responsible to parliament and the country; and perhaps it is much better for any purpose of practical responsibility, that it should fall on one man, than on a body; for this obvious reason, that the difficulty of producing conviction and punishment is the less in one case than in the other. I do not mean to say, that it is not desirable to bring forward the charges of guilt against all the advisers as well as the agent, if it were practicable to prove the charge. The immediate actor can always be got at in a way that is very plain, direct, and easy, compared to that by which you may be able to reach his advisers. There are to be seen many cases in which parliament have tried to get at the advisers too. But how have they tried to do so? Look at the mode, and that mode alone will sustain my argument, that the Cabinet counsellors are not legally known. For in the addresses presented upon such occasions as I have referred to, it will be found, that parliament apply to know by whom any measure to which the address alludes, may have been advised. Surely, then, such an application serves to shew, that the Cabinet has never been deemed a responsible body; for, if it were, such an application would be quite superfluous. But, don't confine your research to those addresses; look at the journals throughout. Examine the several articles of impeachment on record, and you can discover no instance of any man, or body of men, being impeached as Cabinet counsellors. Take the end of queen Anne's reign. See the articles of impeachment exhibited against the earl of Oxford for the conclusion of the peace of Utrecht. Lord Bolingbroke and Mr. Prior, who were the persons principally concerned in that transaction, being then out of the conntry, and beyond the reach of parliament, it was eagerly endeavoured to implicate lord Oxford. In prosecution of this object a variety of shifts and expedients were resorted to, which would have been totally unnecessary had the Cabinet council been considered a responsible body. No, in that case it would be all easy and smooth. But, in that case, it appears that not one word was mentioned which could countenance the idea of any recognition of a responsible Cabinet council. As yet, among the leaders of those who promoted the impeachment of lord Oxford, were many very able men, among others sir R. Walpole. I do not mention this statesman for the purpose of expressing my concurrence in the general censure which has so long attached to his character. On the contrary, I think that he experienced much undeserved obloquy, as well in the course of his life, as since his death. But I confess, that if I were to panegyrize that distinguished man, I should not rest my panegyric upon his scrupulous regard to the means by which he could reach his object, particularly when stimulated by resentment. Another distinguished person seconded sir Robert Walpole in this prosecution, and he certainly, however estimable in other respects, was by no means remarkable for moderation. And yet these active, able men, never, in their zeal to achieve their purpose, even hinted at that, the establishment of which would have so much facilitated their success, viz. the existence of a responsible Cabinet council.—From this, and from every other circumstance that applies, I infer that such a council was never legally conceived to exist. Therefore, the first time the hon. mover proposes to the house to recognize the existence of such a body, and if you do adopt his proposition, I would ask, do you mean to stop there? If you even do, I can assure you, that as far as my influence can go, I will not allow you. For, if in any shape you acknowledge the existence of a Cabinet council, we must go on to make such a body not alone formally, but really known to the house and to the laws. The gentlemen who support the motion, may state, that it is not their object to go so far; but the consequence I have stated must naturally follow the adoption of their motion.—One word more before I quit this part of the subject. Some gentlemen may confound the functions of what is called the Cabinet council, and therefore it may be necessary to state a distinction, of which the noble lord (Castlereagh) must be aware. Councils frequently meet, which are assembled solely for the purpose of affording to the members an opportunity of consulting with each other, and stating their ideas reciprocally on points connected with their several departments, but with no intention of communicating the result to his majesty. Indeed upon many such points it would not only be unnecessary, but improper to communicate with his majesty. The noble lord (Castlereagh) knows to what I allude. On other occasions the Cabinet council meet to advise his majesty in person. In the former case of meeting, it will not surely be pretended that any responsibility can attach to the proceedings of this council, or that any individual minister can incur censure for consulting them, the aid of whose counsels may be useful and necessary. And to whom should responsibility attach in the latter description of meetings? To the agent, to be sure, who executes the plan resolved on. This I maintain, to be well founded. For if this committee of the privy council should order any project which did not meet my approbation, and against which I should consequently protest, still if the plan were exceptionable, my protest would not avail to acquit me of the responsibility that would arise from the execution of it. This I take to be the general rule with regard to ministerial responsibility; and every thing that has occurred different from this rule, I consider in the light of an exception.—In all the observations on the other side with regard to this subject, gentlemen appear altogether to overlook the privy council. They seem indeed to forget the existence of that body; for in talking of objects of ambition they confine themselves to the Cabinet council. But pray is not a seat in the privy council an object of ambition also, and is not the circumstance of being struck off from that body a cause of disgrace? There may, to be sure, have been instances where such striking off produced no disgrace or mortification to the party concerned, but was felt rather as a source of pride. But yet, to say generally, that a seat in the privy council is not an object of ambition, and a removal from it the cause of mortification and disgrace, would be wholly absurd. Perhaps the desire of obtaining the seat is balanced by the fear of losing it, and this fear affords a guarantee for a privy counsellor's performance of his duty. These counsellors are known to the law, and it is known that if any one of them should advise his majesty, he is responsible for such advice, whether he belongs to what is called the Cabinet council or not.—Having said so much on the subject of responsibility, I shall now go into the other points connected with this question. With regard to theoretical principles, the name of Montesquieu has been adduced. For this writer, as a general political philosopher, I entertain the highest respect; but the application of his opinions to, or his clear comprehension of, the constitution of England, I am not disposed to admit. What Montesquieu chiefly insists upon, that has any relation to the point at issue, is this, that the legislative should be totally separate from the judicial legislative functions. But will any man attempt to apply this rule to the constitution of England? Will you separate the executive government altogether from the legislative? I hardly think that any proposition of that sort, is ever likely to be submitted to this house; and sure I am, that none such would, or ought to be adopted. But Montesquieu says, that the judicial ought to be separate from the legislative function. Do gentlemen mean to press the application of that doctrine to this country? No, they cannot, for the case of the lord chancellor immediately presents itself. Over this case, however, it has been attempted to pass, by the aid of a fine distinction. In order to favour the adoption of Montesquieu, and apply it to this question, it is maintained, that there is a material difference between a civil and a criminal judge.—The gentlemen who support the motion, not content with the theory of Montesquieu, which is not at all applicable to the constitution of this country, have had recourse to the authority of Blackstone, but being unable to find any theory exactly to answer the maintenance of their arguments, they have, I observe, endeavoured to pare down different theories, in order to suit their purpose: still however, they have failed. But with regard to Blackstone, I beg in the first instance to demur to his authority as a great constitutional writer. That the municipal law was laid down by him with uncommon perspicuity, and that he dilated upon it with great eloquence, I am ready to admit. His purity of style I particularly admire. He was distinguished as much for simplicity and strength as any writer in the English language. He was perfectly free from all gallicisms and ridiculous affectations, for which so many of our modern authors and orators are so remarkable. Upon this ground, therefore, I esteem judge Blackstone; but, as a constitutional writer, he is by no means an object of my esteem; and for this, among other reasons, that he asserts the latter years of the reign of Charles the second (I mean those which followed the enactment of the Habeas Corpus act) to have been the most constitutional period to be found in our history, not excepting any period that followed. Now, it would be inconsistent with all the principles which I have ever held, to regard such a writer as a constitutional authority, much less to look up to him as an oracle. However, the words quoted from this author by the gentleman on the other side are, I am prepared to say, quite misunderstood. When Blackstone says, that "a judge should not be a minister of state," he means the word minister in the English sense, and not in the German, Italian, or French sense. He means, of course, that a judge shall not administer the affairs of government. But that is quite a different thing from the manner in which the gentlemen on the other side would have it understood or applied. The meaning of Blackstone, however, will appear to be palpably different from the construction of the honourable gentleman, when we look at the conduct pursued during those very latter years of the reign of Charles II. which formed the subject of his panegyric. It will be recollected that in the course of that period sir Wm. Temple introduced a bill for the appointment of a committee of privy counsellors, to consist of about 30 persons. This bill was shown to, and approved of by, lords Essex, Hollis, Cavendish, Russell, and all the best men of the day, and yet by this bill it was provided, that the chief justice of the common pleas should be a member of the proposed committee of council.—There is a case illustrative of the meaning of Blackstone, that recognizes a principle directly opposite to that which the gentlemen on the other side are anxious to establish; and brought forward by sir Wm. Temple, who was scandalized at the misconduct of that government which Blackstone panegyrized. But it is clear that Blackstone's meaning applied not to any thing like that which the gentlemen on the other side could infer. A judge belonging to the privy council, according to the sense which these gentlemen attach to the words of Blackstone, would incur blame; and yet they disavow any intention of blaming a judge upon that ground.—So far as to the principle of the appointment complained of. I shall now advert to the practice. I am told that there is only one instance stated on my side; namely, that of lord Hardwicke; and the gentlemen are so good as to give me the case of lord Eldon in addition. But it was stated that these noble lords held for a very short time only the offices of lord chief justice and members of the committee of council. But the shortness of the time was of little account. If the noble lords thought the retention of such offices was contrary to constitutional principle, they would not surely sanction by their own acts the violation of such a principle.—There was, however another case, that of lord Mansfield: that noble lord connected in his own person, from 1757, to 63, the two situations, the junction of which is now so much complained of. I do not mean to discuss the character of lord Mansfield, who, like many great men, had very good and very bad qualities, but certainly the odium attached to it, did not proceed from his merely combining a seat in the Cabinet with the chief justiceship of the King's Bench. This combination, however, is said to have been much condemned by lord Shelburne, and to prove this, a speech of that noble lord has been quoted. I have looked at the quotation, and the words are, as reported, absolute nonsense, and therefore, I am persuaded, never were uttered by lord Shelburne. They import that no political man should have any thing to do with advising that which it belongs to his department to execute. Why, if this were a fair ground of censure, it would apply to myself and my colleagues beside me, who are every day advising, what we are ourselves to execute. To ascribe such an observation to lord Shelburne, is quite ridiculous. It must have been a misprint or some misconception, to which lord Shelburne who, like myself, spoke very quick, was extremely liable.—But, to return to lord Mansfield; it really surprised me to hear it remarked upon, as a new and surprising article of intelligence, that that noble lord was so many years in the Cabinet, and that some gentlemen heard it this night for the first time. What, that lord Mansfield could have been so many years in the Cabinet with such different administrations, with lord Chatham, the duke of Newcastle, and Mr. Grenville, and all the time have kept snug in the corner and be unknown—preposterous supposition! these distinguished men not only knew that lord Mansfield was in the Cabinet, but they approved it. If they did not, it was not to be imagined that they would have allowed it. The gentlemen on the other side will hardly think that if I conceived the thing of which they complain to be a violation of constitutional principle I would be a party to it. Let them then give the same fair play to lord Chatham, the duke of Newcastle, and Mr. Grenville. With them also I recollect that other distinguished persons were connected in the same Cabinet; among others my father, and the father of the hon. gent. on the other side (Mr. Ryder); but they had not the same lights which the hon. mover would throw out to the present ministers. Had the hon. gent. been 20 years older he would, no doubt, have gone to lord Chatham, &c. and told them—" You are a parcel of old fools not to know, that in admitting lord Mansfield to the Cabinet, you are violating a constitutional principle and endangering the pure administration of justice, &c." (a laugh.) Whether these persons would have attended to the hon. gent.'s councils, or not, I rather think that he is not unhappy, he was unable to offer them, for I presume he has as little wish to be 20 years older as myself. As to the injury likely to result to the constitution, from the introduction of a chief justice into the Cabinet, I think the bill of the present reign, which establishes the independence of the judges, and which bears on the face of it the mark of having been the suggestion of lord Mansfield, is a sufficient answer to that apprehension.—But I now come to the specific objections made to a chief justice of the court of King's Bench sitting in the Cabinet. Now, the first relates to libels; but in reply to this, I shall only say, that I never heard of such a thing as the propriety of prosecuting for a libel being at all agitated in a Cabinet council; I never witnessed any thing of the kind, and I do not find from any of those who were in the Cabinet during the period when many prosecutions took place, that the subject of such prosecutions was ever discussed there. Sure I am, that no such discussion ought to take place there. The consideration of questions of that nature properly belonged to the office of the secretary for the home department, with whom it rested to give orders to the attorney general to prosecute.—But, the case of treason has been alluded to. Upon, however, questions of this kind, lord Ellenborough is as liable to be summoned to attend the Cabinet as privy counsellor, as he is in his present situation. But, I contend, that he is likely to be seriously prepossessed by such previous examination as the magistrates are, who commit prisoners, or as the judges of the King's Bench are, when they grant an information upon the affidavit of one of the parties, without sending the charge to the grand juries. I have, however, no hesitation in saying, that when a subject of high treason comes on for discussion in the Cabinet, which may be afterwards brought to trial in the court of King's Bench, the absence of the noble lord who is the subject of this debate from any such discussion would be most becoming. I should certainly feel it right to absent myself upon such an occasion, if in the circumstances of the noble lord. But, how many are the subjects connected with war and peace, with our commerce and finances, upon which a lord chief justice may be consulted without exciting the slightest jealousy or objection? On these points, however, it is said, you must not consult him, because if you do, you make him a politician; and pray do gentlemen forget, that by the very oath of a privy counsellor, the chief justice binds himself to give such advice? If, however, you interdict him, as the advocates of the motion propose, what do you mean to do with him? We have heard of the dinner placed before Sancho Pança: if he wished for fish, that was objected to; and if he wished for meat, an objection was started also; so, between the objections, poor Sancho had no dinner at all. Just in a similar manner do the friends of the motion propose to deal with lord Ellenborough. The noble lord is made a privy counsellor, but yet he is not to be consulted upon points of law, lest his mind as a judge should be prepossessed; nor is he to be consulted on points of state, lest he should be made a politician. Thus it was proposed to destroy his functions as a privy counsellor altogether.—The right hon. gent. returned to the subject of the illegal incompatibility of the judicial and legislative functions, and asserted that such incompatibility was never known to have been rigidly and altogether insisted on, but in two instances; the first of which, that which took place under the second government, after the commencement of the revolution in France; and the second instance was with regard to Turkey, and upon this he had read no law but in the Arabian Nights, and other such works (a laugh); according to which it appeared, that the bashaw and the cadi must always be separate.—Adverting to the statutes which applied to this question, the right hon. gentleman quoted the acts of regency adopted on the proposition of lord chief justice Holt, in the reign of queen Anne, and that also in the early part of his present majesty's reign. By both these acts, he stated that a council to assist the regent was appointed, and it was expressly provided that the lord chief justice of the King's Bench should be one of the council. Now, it must be evident that in such situation the chief justice would have to perform the same functions as lord Ellenborough would be now called on to execute. It appeared, in fact, that the present Cabinet was formed merely on the model laid down for the councils of regency mentioned in those celebrated acts. The last act, he observed, was supported by the vote of Blackstone, who on this night was quoted as adverse to its principle.—After recapitulating and ably inforcing his several arguments, the right hon. gent. insisted that the proposition before the house was supported neither by precedent, law, argument or expediency; he took notice of the observation of the statement of the mover, that the motion was not brought forward as an opposition question. He assured the hon. mover and his supporters that he was not at all willing to court or provoke opposition to his measures. On the contrary, he should be glad of the support of any set of gentlemen; but, if he were to have an opposition, he particularly wished that they might always chuse such questions as that now before the house.

Lord *Castlereagh* rose and spoke as follows:—Sir; notwithstanding the triumphant tone in which the right hon. gent. has concluded his speech, and the ability which has pervaded every part of it, the objections which I have from the first felt to the measure, the propriety of which is now brought under the consideration of the house, remain undiminished. Upon a question of such constitutional importance, it is satisfactory to observe the temper and moderation with which the argument has been conducted. No subject could have a stronger claim to be discussed upon its own merits unmixed with party feelings, and it is only to be lamented that the reluctance felt by many of those who most condemn the introduction of lord Ellenborough to the Cabinet, to assume even on a single point the appearance of opposition to the new administration before it has received a fair trial, is likely to prevent the sense of parliament from being taken as fully and fairly upon this measure as the importance of it seems to require.—In stating my sentiments upon the question, I should wish to examine how far the practice of introducing a common law Judge, and more especially a Chief Justice into the Cabinet, can be justified upon the ground of direct precedent, or even of analogy drawn from their habitual introduction into other branches of the constitution.—And first, as to those parliamentary precedents which may be considered as of higher authority than the practice of any individual, however eminent or respectable: this part of the argument rests upon the three regency acts of 1705, 1751, and 1765, in all of which the name of the Chief Justice of the King's Bench is introduced into the council of regency. It must be admitted, that these acts give some degree of countenance to the introduction of the Chief Justice into a situation of political trust, connected with the administration of the executive government.—But, when the right hon. gent. assumes the Regency Council which was a fixed body, not removeable by the regent, and composed of other persons besides the executive officers of the crown, (the princes of the blood royal for instance, and the archbishop of Canterbury) to be similar to the Cabinet, either in its constitution or in its functions, he assumes more than the obvious nature of that council will warrant.—It is also to be observed, that the authority of acts of parliament on points collateral and incidental to the main object of the act, more especially when no question arose at the time in respect to such points, are entitled comparatively to but little attention. The general policy of these bills was, it is true, fully discussed, but no question was separately made upon the propriety of including the Chief Justice. His nomination passed in silence. It was proposed in discussions on the act of 1705, to exclude from the council lord Godolphin, then at the head of the treasury, the objection in this instance was evidently levelled at the individual and not at the office, and the proposition was over-ruled, as was another to include the lord mayor of London.—With these exceptions, the propriety of the official selections was little canvassed; but if the Chief Justice's name had even been introduced into those bills on the most mature deliberation, it would by no means follow that the same reasons must justify the introduction of that Magistrate into the Cabinet, which might properly induce the legislature to give him a place in a permanent council of the nature alluded to, a council entrusted, during the minority or absence of the sovereign, with the exercise as well as with the conservation of the rights and property of the crown.—It is also to be observed, except during the short period of about five weeks, which elapsed between the death of queen Anne and the arrival of George the First in England, that none of these acts were ever acted upon. No experience, therefore, could be had of their practical inconvenience in this or any other instance; but, the most superficial consideration of them will be sufficient to satisfy any candid mind, that their frame and constitution is wholly inapplicable to the present times. Their authority, as precedents in the debates on the regency in 1788, was generally condemned, and by no individual with more ability or effect than by the noble lord now at the head of his majesty's councils, when he filled the chair of this house.—We have, however, a class of precedents entitled to more consideration, namely, those commissions proceeding immediately from the crown, which vested in certain persons under the title of Custodes Regni, removeable at pleasure, and bearing, in that particular, a closer resemblance to the members of the Cabinet, such powers as are necessary for carrying on the executive government in the absence of the king. Of these, there are upwards of twenty which occur between the revolution and the year 1755. But in none does the name of the Chief Justice appear. The Functions of the Custodes Regni being exercised under the direction of the sovereign, and upon communication with him, the same precautions were not requisite for the security of the rights of the crown, which were necessary while the king was minor; and this observation may explain, why such characters as the Archbishop of Canterbury, and the Chief Justice of the King's Bench were introduced into the parliamentary councils of regency, whilst they were excluded from those immediately appointed by the crown.—The single correct precedent of modern times on which any argument can be founded, is that of lord Mansfield; and, in referring to that solitary case, it is fair to consider it as deriving a sanction not only from the evidence it affords of the noble lord's own opinion on the subject, but from the acquiescence of those who either sat with him in the Cabinet, or suffered him to sit there unquestioned in parliament.—I consider the case of lord Mansfield, as the only one really in point: that of lord Hardwicke being clearly inapplicable, inasmuch as he never had a seat in the Cabinet till he had accepted the Seals, and only held the chief justiceship for a few months, till his successor Chief Justice Lee was appointed. He had then ceased to act as Chief Justice, and had taken upon him the character and all the Functions of chancellor, political as well judicial.—It might well be contended that the weight of precedent, were it stronger than it is, would only go to render it more necessary to correct the practice if it be inexpedient, as I maintain it to be. The countenance which this measure may derive from precedent, may render less censurable those by whom it has been advised or adopted: but, perseverance in a bad practice cannot be justified on any such ground.—I own, however, that the precedent of lord Mansfield appears to me calculated rather to serve as a beacon, to warn his successors what they should avoid, than to operate as an encouragement to them to follow his example. No Judge of more comprehensive knowledge, or of more splendid talents, ever sat upon the Bench, yet no one ever possessed in a less degree the confidence of the public. He was regarded with jealousy, (perhaps unjustly so) as carrying his political feelings with him into court, and was never able to conquer the effects of having so intimately connected himself with the politics and the party of the day. There is every reason to believe, that lord Mansfield was himself deeply impressed with the sense of his own indiscretion, in having become a member of the Cabinet. He certainly declined to return to it after the year 1765, and is said to have lamented to the last hour of his life, that he had ever suffered himself to be placed in this anomalous and hazardous predicament.—The arguments drawn by analogy from the circumstance of chief Justices being habitually members of the house of peers and of the privy council, will prove nothing in support of their being called to the Cabinet upon ordinary occasions, if the purposes for which they are placed in those situations are fairly considered. The house of lords being a Judicial body and a court of appeal, necessarily requires the presence of legal characters, to conduct a jurisdiction which in practice devolves entirely on them, and no persons can be so fit to be entrusted with this task, as the chief Judges, and superior members of the professions without whose aid the whole direction of the house on legal subjects would devolve on the chancellor for the time being: a circumstance by no means to be desired.—So introduced into the legislature, they are certainly not precluded by any law from entering into all the heat of politics; but it is equally certain, that in so doing they would forfeit much of the respect and reverence, which is now paid to them, and it would be justly imputed to them as an impropriety of conduct, not considered as the necessary effect of their being admitted into the house of peers, if they should use the privileges of the peerage in a manner inconsistent with the dignity of the judicial character.—The same reasoning applies to the privy council; the greater part of the business which comes before that council is of a judicial nature; and it is therefore necessary that persons of legal knowledge and experience should habitually attend on that body. Every privy counsellor is of course bound to afford his advice to his sovereign on all subjects upon which his majesty may think fit to call for it. On many points usually discussed in the Cabinet, and not in the council at large, the assistance of the chief judges may be highly necessary, and to such occasional recurrence to them for advice we do not object. But, it does not follow from the right of the king, to call upon every individual privy counsellor for advice as often as he shall see occasion, and from the obligation imposed upon such privy counsellor by his oath to advise when called upon, that it is an expedient or a constitutional exercise of the prerogative to summon a person exercising judicial functions, who is made a privy counsellor in order that he may be resorted to for occasional assistance on subjects of a special nature, to all the secret deliberations on state affairs, without any consideration of the purposes for which he was chiefly invested with the character of a privy counsellor: and it cannot, therefore, be contended, that the circumstance of a chief justice being a member of the privy council, proves the fitness or propriety of his having a seat in the Cabinet.—The inconveniences that may arise from his being a permanent member of the government, are many and obvious. Many cases are likely to come before him judicially of a description which must compel him either to abdicate his functions on the bench, and to leave to others the discharge of a duty which it belongs to himself to perform, or he must act under all the suspicion, and be exposed to all the jealousy which attaches to a party interested in the cause. Libels on the government of which he forms a part; prosecutions against a colleague for malversation; trials for state offences, or questions connected with the construction of statutes in which the administration of the day take an interest, must all place a political chief justice in a difficult dilemma; he must either deprive the country of the advantage of having justice administered by the highest authority, or subject it to the more serious inconvenience of having it dispensed by a person who is necessarily open to vulgar, if not to rational suspicion.—But it is said by the right hon. gent. if a chief justice may not habitually advise his majesty on state affairs, why make him a privy counsellor, and how did it happen that chief baron Eyre tried the prisoners for treason, on whose case he had previously decided in council? The first point has been already replied to; the latter will not appear to furnish the right hon. gentleman with any ground of argument, if the nature of the proceeding be fairly considered. Chief Justice Eyre was not called to the Cabinet to mix himself in politics, to connect himself with the administration of the day, or to exercise any political discretion whatever. He was summoned to the privy council at large as a magistrate; in that capacity alone he acted; his duty there was to hear the evidence against the prisoners, to decide whether it was sufficient to warrant a committal, and for what crime. His duty was in no respect distinguishable from that of an ordinary magistrate when a charge is brought before him. It never has been contended that a justice of peace by committing a prisoner stood disqualified from determining on the charge as a grand juror, or of sitting on the bench as a Judge. No reasonable objection can therefore be taken to the conduct of the chief baron. But if he had consulted in Cabinet on the political expediency of bringing those persons to trial, if he had engaged in all the councils of government of that particular period, and had stored his mind with all the secret information which he would probably have found there, bearing more or less on the cases of those prisoners, it would be monstrous to contend that under these circumstances, and with a mind so prepared, he could with propriety have been sent to sit in judgment upon the parties accused. For these reasons, the practice of introducing a chief Justice of the King's Bench into Cabinet as an habitual adviser of the measures of the executive government, appears to me to derive no countenance whatever from any analogy to be drawn from the introduction of that magistrate into the house of lords and privy council; as little can it be supported by the circumstance of the lord chancellor's being always a cabinet minister, though filling a judicial situation. In the first place, the chancellor is *ex officio* an executive officer of state measures. All treaties or instruments with respect to our foreign relations, all grants at home, are sealed by him under his personal responsibility: it seems therefore indispensable, that he should be a party to the councils of the government; but, except on trials before the peers, he exercises no criminal jurisdiction. He holds his office during pleasure: his political functions are not less prominent than his judicial duties; his existence in both capacities depends, like that of any other member of the executive government, upon the fate of the administration of the day. It is true, that he is charged with judicial functions of the highest nature, but they relate not to the life or liberty of the subject; they are of a description much less likely to be exercised, or (which is not less material to the present question) to be suspected of being exercised under any political bias, than those of the chief justice. Decisions on property seldom attract the attention, or rouse the feelings of the public. The struggles of party have no connection with civil suits. The chancellor could but little serve the purposes of his party or gratify his political resentments by unjust decisions in his court. Besides, the suitor has always an option of carrying his cause in the first instance before the Master of the Rolls, a judicial officer holding his situation, like any other judge, during good behaviour; and there is always an appeal open to the party from the decision of the chancellor to the house of lords.—In the exercise of a criminal jurisdiction there is a wide difference. In such courts, cases continually arise, which call forth the passions of the people. The judge who presides on such occasions, can no otherwise hope to command the respect and confidence of the public, than by standing unconnected with the questions which come before him, and totally uninterested in the event of the proceedings. But exclusive of the effects of this measure upon the character of a common law judge; should such a judge unfortunately be inclined to carry his party feelings and resentments with him to the bench, he certainly can apply them to purposes of oppression with much less controul in criminal than in civil cases. A right hon. and learned gent. (Mr. Bond) says, what has the chief justice in such cases to do, but to declare the law, possibly aided by some of his brethren, the jury deciding on the fact? But, independently of the influence which the summing up of the judge must necessarily have upon the verdict, the right hon. gent. forgets, that to him exclusively belongs the determination of the quantum of punishment in cases where it is discretionary: and as in the infliction of fine and imprisonment there is seldom any precise standard or any fixed principles to resort to, it is obvious that in no exercise of the judicial authority may abuse more easily prevail or (which is hardly less mischievous) will it be more readily imputed.—The case of commissioners of the great seal, if not decisive on this subject, must at least be admitted strongly to mark the unwillingness which has prevailed to introduce common law judges into the Cabinet. Notwithstanding the expediency of having legal assistance there, and the reasonableness (as already stated) of allowing those who seal and execute acts of state to take a part in the previous deliberation, when the seals have been put into commission, none of the persons to whom they have been committed, not even the first commissioner, appear to have ever sat in the Cabinet. Lord Loughborough during the administration commonly known by the name of the Coalition Administration, was not a Cabinet minister, although so highly distinguished for public talents; a circumstance which carries with it a strong presumption that common law judges, until they were understood virtually, if not actually, to have retired, were not considered as proper persons to be connected with politics, by being regularly summoned to such a council.—Being unable to sustain his argument either on the ground of precedent or analogy, the right hon. gent. (Mr. Fox) endeavours at once to get rid of the motion, by assuming that there is no such body known to the law or constitution, as a Cabinet council; that responsibility cannot attach to the individuals composing such a body, and that the constitution knows no responsibility except in those executive officers of the crown, who in their respective departments carry the king's orders into execution. However it may suit the purposes of his present argument, I apprehend the right hon. gent. would have been very little disposed, when he was himself out of office, to listen with patience to such a statement from any minister of the crown. What would he have said if my late right hon. friend (Mr. Pitt) had disclaimed all responsibility on account of the late confederacy on the Continent, referring his opponents to my noble friend in another house (lord Mulgrave) as being alone responsible for all such measures, with the addition perhaps of the lord chancellor who affixed the great seal to the treaties? Would any minister have availed himself of so contemptible a subterfuge? or would the house have endured such a doctrine? Is not the Cabinet, in the modern practice of the constitution, as well known to parliament as if the existence of such a council had been an object of express legislative provision? have not the members of the Cabinet been always considered by the country, and have they not always considered themselves, whatever may have been their offices, or even if they sat there without office, both as individually and collectively responsible for the measures of government? It may frequently be more difficult to establish the fact of participation in the guilt of any criminal measure against the minister who has only advised, than it would be to prove it against the minister who has executed a measure, no other evidence being required in the latter case, than the order or instrument by which the criminal act has been either directed or performed. But the greater or less degree of difficulty which may attend the proofs of the fact, in particular instances, cannot affect the general question of responsibility. When the commons impeached lord Somers, lord Halifax, and lord Oxford, on account of the Partition Treaty, neither the lord Treasurer, lord Halifax, nor lord Oxford, who presided at the Admiralty, could in the right hon. gent.'s sense of responsibility be deemed responsible; yet the house of commons never hesitated to consider them as equally answerable for that measure with their colleagues in the government. The right hon. gent. has admitted that any privy counsellor is liable to answer for the advice which he may give to the crown; but he cannot by such admission exempt those privy counsellors who are avowedly selected, habitually to advise his majesty on the current affairs of his government, from that general responsibility which results of course from their being charged with the duty of giving that advice constantly and systematically, which other privy counsellors are in the habit of giving only occasionally, if at all. Independently, however, of the application of the right hon. gent.'s argument to the present question, it is of no small importance that the country at large, and that Europe should be informed, whether the Cabinet council generally, with the noble lord (Grenville) at its head, is to be considered as responsible for all the measures of government, or whether those alone who carry into execution the respective acts are answerable? It is right that it should be distinctly understood, whether the only security we have for the administration of foreign affairs on wise and sound principles is the right hon. gent. himself; whether the military system of the country is exclusively committed to the separate responsibility of the secretary of state for the war department, and whether the first lord of the treasury's responsibility is in the present administration, to be really viewed upon all questions not immediately relating to his own immediate department, in no other light than in that of an ordinary privy counsellor? If the right hon. gent. has failed in divesting lord Ellenborough of the responsible character of a minister, summoned as he is acknowledged to be habitually, and not occasionally, to the deliberations of the Cabinet; if he has failed to disprove the obvious inconveniences, to say the least of such an union of incompatible functions, in the same person, which must perpetually compel him to abandon his duty either as a Minister or as a Judge; if he has failed to produce either from precedent or analogy any adequate arguments to sustain a practice so obviously injurious; as little has he succeeded in establishing any sufficient ground either of expediency or necessity to justify, in the instance immediately before us, the adoption of a measure, which is open on general principles to the strongest objection. And first, as to the necessity of it. Admitting, which I am perfectly ready to do, the personal qualifications of the individual for such a confidential trust, will the right hon. gent. contend, that without recurring to the King's Bench, it was impossible for them to form their government? Will he maintain that at least, adequate qualifications for the Cabinet might not have been found in some other quarter? I am certainly not one of those who have discovered that the present administration comprehends all the talents, all the experience, all the respectability, or all the virtue of the country. But, would it not, on the other hand, be to disparage them unjustly, to suppose that this comprehensive Union of Parties, did not in the whole extent of the various connectives of which it consists, afford the means of supplying lord Ellenborough's place, leaving him at liberty to pursue the duties of his own high situation? Can the right hon. gent. in justice to his own chancellor assert, that without the introduction of lord Ellenborough, the Cabinet would have been destitute of adequate legal abilities? Will he contend that the addition of the learned lord's political and constitutional knowledge was absolutely requisite to the constitution of the government? To the sound constitutional principles of the noble and learned lord, I beg to be amongst the first to bear testimony; his presence in the Cabinet is certainly a circumstance which creates confidence and not distrust on my mind; and were he there without prejudice to what I must deem duties of superior importance, I should rejoice at his appointment. But, I cannot persuade myself that his place might not have been supplied by others equally entitled on general constitutional grounds to my confidence, who appear to have been unaccountably excluded, whilst his lordship has been most unnecessarily included in breach of constitutional policy, if not of law.—If the appointment is not sustainable on the grounds of necessity, it appears still less capable of being supported on considerations of Policy and Expediency.—Can the right hon. gent. contemplate the judicial system of the country; can he advert to the wise principles upon which it has been framed and improved; the care that has been taken to render the situation of a judge not only independent of every influence and especially of that of the crown, but to consider them as a distinct order in the community, to which the nation might look up with unlimited confidence as solely and entirely devoted to the administration of justice, and removed from the political cabals or party struggles of the times? Can he thus contemplate the dignified and useful situation of a judge acting within his proper sphere, and deem it either of slight importance or of little danger to call upon a chief justice, to descend from such an eminence for the purpose of involving himself in all the confusion and vicissitudes of political life? What estimate the right hon. gent. is prepared at this moment to form of the confidence or popularity which attaches to the present administration, it is not for me to surmise. But, whether he is disposed to feel more or less sanguinely upon this point, I am sure he has known too much of political life, to take for granted, that it may not in progress of time, and perhaps at no very distant period, become not only unpopular but odious. Why, then, in the eyes of the nation, are the character and influence of our First Criminal Judge, in short all his best means of doing good, to be unnecessarily embarked in the frail and uncertain fate of this or any administration? Why is he to be thus exposed to all the jealousy, to all the hatred, to all the reproaches (frequently most unjust), which those in high political stations are doomed to suffer? As long as he remains on the bench of justice, abstracted from such struggles, whatever errors he may commit, however he may find himself compelled to act in opposition to the popular feeling, his conduct will be regarded with confidence, and even his mistakes will be respected. All parties will concur in upholding him. But, let him once assume the character of a party man and a politician, let him once embark in the same bottom with the administration of the day, and he is immediately exposed to all the rancour, to all the fair censure, to all the illiberal and unjust reproach to which governments are liable. These popular prejudices will pursue him into the courts of justice, and he will there find suspicion and crimination substituted for that confidence and reverence which attended on him while he was only a judge.—That the objection of Influence cannot be dismissed from this case, will be obvious when we consider the high value attached by all men to a seat in the Cabinet. The right hon. gent. has argued as if, because a chief judge is usually a privy counsellor, and because a seat at that board is a situation which most men are desirous of obtaining, and which they are unwilling to be deprived of, it must therefore follow, that the objection on the score of influence would not be strengthened by the introduction of a judge from the privy council into the Cabinet. But surely it cannot be contended, that the degrees of influence arising from the two situations are in any respect to be compared to each other. Can an ordinary seat at the privy council, which does not necessarily give, or in its consequences lead to, any political confidence, and from which no one is ever removed except for misconduct, bear any comparison with the situation of a person included among those members of the council to whom his majesty intrusts the general administration of his affairs, and who, for the time, are collectively charged with the trust of advising him upon every act of his government? Looking at the spirit of those wise and salutary provisions which were brought to perfection upon the gracious suggestion of his present majesty, and admitting the fair distinction that has been taken between honorary situations and those attended with emolument, can we doubt that a seat in the Cabinet (though unaccompanied with salary) furnishes, with respect to nine men in ten, more substantive means of influence than any office in the state, however lucrative, to which a similar mark of confidence does not attach? I must therefore maintain, even upon this ground, that the appointment of lord Ellenborough to a seat in the Cabinet is a departure from the spirit, if not from the letter of those laws, by which the legislature has endeavoured to prevent the crown, that is, the minister of the day, from exercising any influence whatever over the Judges of the land.—Upon the whole, I consider the removal of the chief justice of the King's Bench from his natural and proper functions for the purpose of converting him into the mixed character of judge and politician, and of making him necessarily a member of a party, to be a most unwise and, if persevered in, a most unjustifiable proceeding; that it is in the present instance to be defended on no grounds of necessity or even of apparent political expediency; that it is a practice not to be supported by any analogy known to the constitution; that the only instances from statute, which can be argued in any degree to countenance it, are of imperfect authority in themselves, and are cases of a special nature standing upon their own grounds, rather forming exceptions, than tending to establish a general rule; and that the only direct precedent, namely, that of lord Mansfield, amounts, when it is considered with all its circumstances and consequences, to a condemnation of the practice. I deprecate the measure as calculated to raise a feeling, with respect to the judicial system of the country, which perhaps, with the exception of the period when lord Mansfield presided on the bench, has never, at least in modern times, been known to exist. In all the difficulties and dangers to which the establishments of the country have been exposed, the purity of the administration of justice has never been made a matter of question. The bitterest enemies of the constitution have never ventured to utter even a suspicion against it. It is that part of our system, which, in the eyes of every foreign nation, most exalts and distinguishes the country. It is that, the value of which is most felt at home, and is calculated, from the universal sense of its approach to perfection, and the attachment which it commands, to protect and preserve the whole.—Will, then, the right hon. gent. for purposes of party or personal convenience, venture to break in upon such a system? Can he pretend to say that its existence does not, above all other circumstances, depend on the independence of the judges? or could he point out any mode by which it is more likely seriously to be brought into disrepute and suspicion, than by making the judges politicians, and by replacing them in any degree under the influence of the crown? I am satisfied that public opinion never was more decided on any question than on the present. Whatever may be the result of the present discussion, the more the subject is examined, the less disposition there will be, I trust, to persevere in it now, or to venture to recur to it at a future day. On these grounds I have felt it my duty to state fully my sentiments on the question, and I cannot conclude without expressing to the right hon. gent. my conviction, that he will find no reason to felicitate himself upon the part he has taken on the present occasion, that in proportion as the subject is canvassed and understood, the deliberate judgment of the public will be against him; and I think I may venture to assure him, whatever political sins either past or future he may have to answer for to his country, that for none will he find them less disposed to forgive him, than for thus lending himself to a measure, the tendency of which is to break down the principles upon which the pure administration of public justice, and consequently the liberties of the British nation, preeminently depend.

Lord *Henry Petty* said, he should not have troubled the house after the able speech of his right hon. friend, had it not been for the allusion to himself. His lordship said, that the correctness of the publication quoted by the right hon. gent. (Mr. Canning) might, for various reasons, be disputed, particularly in giving an account of sentiments where, in order to do justice to them, it was necessary to preserve the very words. It was impossible that his noble and revered relation, could be ignorant that lord Mansfield had been a member of the Cabinet, because, in point of fact, his noble relation had, in the year 1763, when in the board of trade, been frequently summoned to Cabinet councils at which lord Mansfield sat. That could be no discovery in the year 1775; and if he knew it, he could not have considered it unconstitutional, without, at the same time, expressing that opinion which lord Chatham and others, had they thought so, would likewise, in all probability, have done. His lordship contended, that what was now denounced as unconstitutional in a judge, had been done in 1795, when, on a person who turned out to be a maniac, attacking the king, lord Kenyon had been summoned to the Cabinet council, to be present at the examination of the man, at whose trial he afterwards presided. He contended that the measure was consistent with precedent, with principle, and with practice, and he illustrated his sentiments by an examination of some of the precedents quoted. He concluded with saying, that if the arguments used on the other side were well founded, it would be proper in government to bring in a bill to disqualify the chief justice of the King's Bench from giving advice to his majesty, to disable the judges of the admiralty, who tried prize-causes, from sitting at the council board, when prize instructions were prepared, or sitting at the cockpit, where appeals were heard; and this system of disqualification might be applied to most of the great officers of the crown.

Mr. *Perceval* said, that notwithstanding the extraordinary display of ability exhibited by the right hon. gent. (Mr. Fox) the question stood exactly where it did. The public sentiment, which he had taken much pains to ascertain, was, that the measure was dangerous, unconstitutional, and alarming; and he was sure that the discussion would extend that opinion, which among all classes and parties, even among the friends of the ministry, was universal. The common sense of the matter was this, that the functions of a chief justice of the King's Bench, and a member of the Cabinet, were incompatible; and it was even admitted by the right hon. gent. (Mr. Bond), that in particular cases the one must be thrown off, that the other might be retained. If any man could execute both functions without inconvenience and reproach, it was his noble and learned friend, lord Ellenborough. But the incompatibility was manifest. Not only in the case of libels would the lord chief justice be reduced to the necessity of foregoing his duties, or standing exposed either to the suspicion of severity, in punishing the person by whom he was attacked, in common with his colleagues. He might even fall into the error of an honourable mind, in going to excess of lenity to avoid the suspicion which his situation would give him. A judge, too, might be called upon to decide in law, such as embargoes, &c. measures originating in the Cabinet, not in the privy council, though passing there; and could a judge be perfectly impartial in considering what damages ought to be given to a party claiming them, in consequence of an act of government which he had advised? Would the public, in troublesome times, such as, some years since, existed, when prosecutions were frequent against seditious persons, be satisfied of the purity of that justice administered by a judge, the colleague of the Cabinet ministers, who thought prosecutions necessary? It was evident how much the character of our public justice would suffer; how much the character of a judge would be degraded, from being confounded with the party politics of the day. He did not say that the measure was illegal, but he contended it was highly inexpedient. He alluded to the case of Despard, and asked how the judge, who as a cabinet minister had addressed the court, could have tried an action for false imprisonment, had one been brought, as might have been in that case, had not the very circumstances attending the event furnished the proof which otherwise would have been defective? He alluded to his own opinion on the volunteer question; and asked how a judge, a member of the Cabinet, who adopted that opinion, could have satisfactorily tried the question? In a word, judges ought to be as impartial between the executive government and the party in all public prosecutions, as between individuals in common cases. He then went over the different precedents, and contended that the only one which applied directly, (that of lord Mansfield,) ought to discourage a repetition of the attempt. It was impossible to say what part the right hon. gent. (Mr. Fox) would have acted, had this measure been resorted to by a ministry he opposed: but, if he was serious in his attachment to liberty, of which "all over the world," he was an affectionate toaster, it was natural to think he would have opposed a thing so inconsistent with the true principles of freedom. He was satisfied, that if ministers did not now see the impropriety of the measure, they soon would be convinced by the disapprobation of the country. He rather thought they doubted its propriety, but were too obstinate to confess their error. They would find, however, that it would have been better to have given up the point when its danger was first exposed, than to have waited till the discussion rendered it more odious all over the country. He concluded with saying, that the first error, considering the authorities and examples, was venial; but, to persevere would be a crime, because without the least necessity the measure risked that which was so dear and so important to the country, the pure and the unsuspected administration of justice.

Mr. *Sheridan* said, he was not a little surprised at the language of the hon. and learned gent. who spoke last. He seemed to condemn the conduct of ministers, because, the moment notice was given of the present motion, modesty had not induced them to accede to the object of it without rendering a discussion necessary. The late minister, with whom that hon. and learned gent. had acted, had not certainly often shewn this excess of modesty, and at least his right hon. friend near him (Mr. Fox) had not the advantage of any such example from their immediate predecessors in office. He did not, however, wonder, that the hon. and learned gent. wished to avoid the debate; in this respect, his discretion was commendable; for he had been able to support his favourite position by such frivolous arguments, that its weakness was completely exposed. But the hon. and learned gent. said, he had used the greatest industry to collect the public sentiments, and the opinions given, from all descriptions of persons were uniformly against the appointment of lord Ellenborough to a seat in the Cabinet. There were two ways of asking questions; the one to gratify innocent curiosity, the other to excite mischievous suspicions: what was the design of the hon. and learned gent. in his enquiries, he would not presume to determine.—Some remarks had been made on the new opposition; he, for one, did not deprecate their exertions: whether it were an attachment he felt to the old benches, or whatever was the cause, he did not know; but certain it was, he did not wish to see them hastily abandoned by their present occupants; he certainly thought every administration the better for an opposition, even that of his right hon. friend (Mr. Fox) with all his partiality for him. He hoped the new opposition would be vigilant, and even wished that they might be over-zealous, or any thing but over-numerous. He could endure the language of impatience from the hon. gentlemen in their altered predicament: one of them had lost a warm naval cloak (Mr. Canning); another, a splendid India shawl (lord Castlereagh); and a third, a graceful professional robe (Mr. Perceval); and it was natural to expect, they would feel a little the chill of disappointment. The hon. and learned gent. said, that lord Mansfield was a warning to every chief justice in future, on account of the distress he suffered from his folly in accepting a seat in the Cabinet. Lord Mansfield went out of office in 1760, for the best reason in the world, because he was turned out. In 1765, he again came into office, and soon afterwards went out for the same good reason, which he might assign in common with the hon. gentlemen opposite, because he could stay in no longer: thus it was the most shocking thing that the chief justice should know any particulars of a charge before it appeared on an indictment in court. Did not the hon. and learned gent. remember, very recently, in our history, that the chief justice of the common pleas, sir James Eyre, attended in the Cabinet, in the complicated case of high treason, charged against Mr. Hardy and others; and after being so consulted, that learned judge was put at the head of the commission, although by his advice they were accused and brought to trial? The nature of the situation of a chief justice rendered him a political, as well as a judicial character. Would not every man in the kingdom be surprised, if he were told that a late attorney-general had refused the office of chief justice, because he had mixed himself too much in state affairs? but it would appear yet more extraordinary, if a gentleman in that situation, not feeling such a repugnance to the high office, should support with so much energy the separation of the judicial character. These hints were rather thrown out for the private reflection of the hon. and learned gent. than for the general attention of the house. The principle contended from on the other side of the house, if right, ought to be carried to its full extent; and a chief justice ought neither to be a privy counsellor nor a peer of parliament. Was this high officer to be placed in a state of monastic seclusion, lest, by meddling with the affairs of the world, the purity of his habits should be violated? As early as the time of Edward III. conservators of the realm were appointed, and the chief justice was one of the four nominated. The constitution on various important occasions seemed to look to the chief justice as to the rock on which the national security should be founded. With regard to the inconvenience which was supposed might arise from the responsibility of the chief justice, in his political character, as a cabinet minister; he had no such liability, and therefore no such disadvantage could accrue. The right hon. gent. concluded with expressing his concern at sustaining with so little propriety and dignity his new character; and the house would excuse him, if, with such short notice, he had not learned his part.

Mr. *Wilberforce* began by observing, that he should speak with great seriousness on a topic on which the right hon. gent. who had just sat down, had touched with his usual jocoseness; and declared that it gave him real pain to be under the necessity of taking a part that night, which might perhaps be construed into a disposition to oppose the new government. To enter into systematic opposition as a party man, was contrary alike to his principles and his feelings, and he could sincerely assure his majesty's ministers that he wished to support them, and that it would give him pleasure if their measures should be such as to enable him to gratify this inclination. But the present occasion was one on which he felt it his indispensable duty to support the motion of his hon. friend below him (Mr. Stanhope); and he must say, that notwithstanding his admiration of the uncommon talents which had been exhibited by the right hon. gent. opposite to him (Mr. Fox), who had also been very ably supported by the noble lord (lord Henry Petty) the real strength, the plain common sense of the question remained utterly unshaken, and it would be impossible for any considerate man to deny, that the appointment of the first criminal Judge to a place in his majesty's executive government was, though not absolutely illegal, yet most undeniably unconstitutional, and such as tended to impair and ultimately to destroy that peculiar excellency which had been the chief glory of our whole political system, which had called forth most warmly the admiration of writers in their closets, and had been the means of conveying security and comfort to the inhabitants of this happy island. But before he stated his objections to the measure itself, he begged leaved to premise that personally he had no objection at all to lord Ellenborough, on the contrary, he highly respected that noble lord, and thought that his talents, his constitutional principles, his undaunted firmness, and resolute independence of character, would make him a most valuable addition to his majesty's present Cabinet. But on general principles he must protest against the measure: First, because it tended directly to violate the great principle of the independence of the Judges. That was a subject on which he need not enlarge. Every gentleman's own mind would supply the necessary arguments. But, to what purpose were all the laborious precautions by which the independence of the Judges had been secured, and which had received the finishing hand at the beginning of his present majesty's reign, if the king could exercise that influence over the mind of a judge, which he would possess by being able to grant to him during pleasure, and at any time to turn him out from, a situation, the value and importance of which he need no otherwise establish, than by stating that it was confessedly the great object of the ambition of the greatest and the ablest men in this country? It would not be affirmed that the salary annexed to these situations was their chief temptation. No! it was the love of power, of pre-eminence, of command. The hon. gentlemen opposite to him would not deny that these were their own feelings; and where, then, would be the consistency of preventing a judge being removable from his judicial office, of preventing him from receiving any increase of salary from the crown, and allowing the king to grant or take away from him, at a time, too, when he was already as affluent as he could desire, a situation which was, above all others, the object of pursuit in high and honourable minds?

But, secondly, the hon. gent. declared, that even making the judge a politician was in itself most highly objectionable, and especially so according to those party principles which were so popular with the hon. gentlemen opposite to him, though he himself retained all his old objections to them in full force; it was the great glory of the administration of justice in this country that for many years, notwithstanding all the violence of contending factions, it had never even incurred the suspicion of being tainted by political connection or party bias. But would this be so in future? Could any man divest himself altogether of the feelings and prepossessions of the minister when he went to assume the office of the Judge? Suppose the country divided into two great parties mutually accusing each other of tyranny and sedition; suppose the judge in possession of his ministerial situation, called upon to try the firebrand of the day, would he be likely to judge him with an impartial mind? or, if the judge himself had been turned out of office and was in opposition as an ex-minister, might he not be likely to favour him? But there was still perhaps another question behind. Would he not be generally suspected of favouring him in the one situation, or of being actuated by a spirit of hostility towards him in the other? The general estimation in which the Judges of this country were held, was itself, the hon. gent. declared, of extreme importance. There was not perhaps any thing which so much endeared our political system to the people of this country, so much as the firm persuasion of the perfect impartiality with which justice, especially our criminal justice, was administered. And surely this was the very last period in which we should consent to a change which would have the effect of more than bringing into question this great object of the people's attachment. Surely, at a time when the circumstances of this country were such as to call for the efforts of every individual in its defence, when heavy burthens must be borne and large sacrifices must be made, this was not a time to weaken that love of the constitutional laws of our country, which it should rather be our endeavour to inflame and increase.—It might, perhaps, appear an objection of an inferior kind; only however because there were others of such extreme importance, that introducing a Judge into the Cabinet and making him a politician, would engross perhaps no small share of that time and attention which the important duties of his judicial functions might well claim entire and undiminished. As a mere member of the house of lords, he would not be likely to busy himself much with political matters. But, when he should be called upon regularly and habitually to take a part in devising, and framing, and executing, and defending all the measures of executive government throughout their whole extent, the case would be widely different. It would be impossible for him to fulfil this duty, without abstracting much of that time and attention which ought to be devoted to the duties of his judicial office.—There was another objection of great importance, which he would the rather urge, because it had not hitherto been touched on by any gentleman who had hitherto spoken. It was known that the Judges could only be removed from their situations by the address of the two houses of parliament. Thus the two houses were by law constituted the standing superintendants of the conduct of the Judges of the land, a most important duty which they were well qualified to perform so long as the Judges should remain without any close connection with our great political parties. But, how would this duty be fairly and impartially administered after a Judge, by becoming a member of the Cabinet, should become identified with the government of the country, should consequently be closely connected with the ruling party in both houses, and be in hostility to the party in opposition? His conduct, whatever it might be, continually arraigned by one party, would be defended by the other. It might become one common mode and form of opposition to attack the professional character of a Judge.—The hon. gent. said, he would only add on this head; the considerations he had just been urging would abundantly prove how little it accorded with the genius and spirit of our constitution, to make our first criminal Judge a member of executive government; and they afforded an answer to what had been stated, that there was no positive law against the measure. The answers which had been made to the motion by the hon. gentlemen opposite to him, had been so fully replied to, that he would only touch lightly on one or two of them. The instance of lord Mansfield had been mentioned as a justification of the measure. But it weighed with him in the directly opposite scale.—For, was there ever a Judge to whom it was so strongly objected that he carried his political prepossessions to the seat of justice? Now it is accounted for; he was a member of the Cabinet. We before had the phenomena; now we have the solution of them. The conclusion, therefore, was demonstrably clear. His trying lord George Gordon, for being the instigator of a mob, by which his own house had been burnt, had been this day mentioned. The hon. gent. said, he would only adduce it as a proof of the habits of mind which had been produced by his being accustomed to consider himself as a political character, who was to take his side and go with his party, and how entirely this habit of mind had destroyed that instinctive delicacy which prompted a Judge to shrink from any thing which might give a bias or prepossession to his judgement. But, in truth, the hon. gent. remarked, all the arguments of the gentlemen on the other side, were grounded on the common fallacy of pushing a principle to extremes, and arguing that if it was not true to the utmost possible extent, it was to be held of no force or validity at all; that therefore, because he and his friends did not object to a Judge's being in the house of lords or the privy council, that therefore they had no right to object to his being in the Cabinet also: no species of reasoning was more unsound. But after all, the hon. gent. said, he would ask, as his hon. friend below him had done, *cui bono?* What sufficient motive could be alledged for the measure objected to? Could any temporary convenience of parties in the formation of a ministry, be for a moment to be set in the balance against even the possible and remote existence of evils, such as had been announced? He could enlarge much on this head; but he would detain the house no longer. He would only conjure gentlemen to consider this subject with the seriousness which it deserved. He would remind them that it went to fundamentals; that it touched the very vitals of the constitution; that it tended to affect the impartial administration of justice, our best possession and our highest glory; and to impair that peculiar excellency of our whole system which the people of this country had long regarded with the greatest admiration and endearment.—After a few words from general Lennox, the house divided; when there appeared; for Mr. Spencer Stanhope's motion 64; for the order of the day 222; majority 158.

List of the Minority.

Ainslie, R. S.
Babington, T.
Bagwell, Wm.
Binning, Lord
Baker, W.
Bootle, G. W.
Bourne, W. S.
Brodie, J.
Broderick, Hon. W.
Browne, I. H.
Burton, General
Canning, Right Hon. G.
Castlereagh, Lord
Cowper, Hon. S.
De Blaquiere, Lord
Dalrymple, Sir H.
Dillon, Hon. H. A.
Egerton, Wm.
Ellis, C. R.
Fellows, W.
Fitzharris, Lord
Fitzhugh, W.
Foster, Right Hon. J.
Garlies, Lord
Hammett, J.
Hinchinbrook, Lord
Holford, G. P.
Huskisson, W.
Jeffery, J.
Lascelles, Hon. E.
Lascelles, Hon. H.
Le Fleming, Sir M.
Leigh, R. H.
Lenox, C.
Long, Right Hon. C.
Longfield, M.
Louvaine, Lord
Mordaunt, C.
Mainwaring, G. B.
Morland, W.
Marsham, Lord
Osborn, J.
Paget, Hon. E.
Primrose, Lord
Percival, Hon. S.
Phipps, Hon. E.
Pole, Hon. W.
Powell, J. Kynaston
Rose, Right Hon. G.
Rose, G. H.
Ryder, Hon. R.
Seymour, Lord R.
Sitwell, F.
Smith, T. A.
Stanhope, W. S.
Stewart, Hon. C. W.
Tarleton, B.
Templetown, Lord
Wallace, F.
Ward, R.
Wortley, J. A. S.
Wilberforce, W.
Williams, Robert
Wright, J. A.
Willoughby, H.

HOUSE OF LORDS.

Tuesday, March 4.

[Minutes.] Lord Crewe was introduced between lord Vernon and lord Carysfort. His patent of creation having been read at the table, his lordship took the oaths and his seat.—Lord Eldon delivered his opinion at some length respecting the appeal from Scotland, Ogilvy v. the Carran Company, after which he moved to postpone the further consideration of it till Friday. Ordered.—Mr. Alexander, and several other members of the commons, brought up the Qualification Indemnity bill and three private bills, which were severally read a first time.

[Witnesses' Indemnity Bill.] Lord *Holland* moved the order of the day upon this bill for the purpose of postponing it. Understanding, he said, from what passed in the house in consequence of the opinions delivered by the Judges, that there was an intention of framing a declaratory act as to what the law really was respecting the liability of a witness to answer questions of the nature stated in the questions referred to the Judges, he did not wish to press this bill at the present moment. He must confess, however, that he had not any very sanguine expectation of an effectual law being framed upon this subject, and therefore he did not like to let go his bill altogether as, in case the noble and learned lords could not agree in framing a declaratory law sufficient for the purpose, he should then consider it necessary to press on their lordships' consideration the indemnity bill, which it would in that case be expedient to pass. He moved to discharge the order for summoning their lordships and to renew it for Friday.

Lord *Eldon* assured the noble lord that his noble and learned friend on the woolsack had lost no time in preparing a declaratory bill, which the difference of opinion amongst the Judges had rendered necessary. His noble and learned friend had submitted the bill to his consideration; and he, thinking there were several objections to it, framed another, which, however, on consideration, he thought was more objectionable than that drawn by his noble and learned friend. The subject was involved in considerable difficulties, and he had great doubts whether a bill could be so framed as to provide against the exceptions which necessarily occurred to the general rule.

The *Lord Chancellor* thought there would be little difficulty in framing a general declaratory law upon the subject. It was obvious that some measure was necessary, in consequence of the opinions delivered by the Judges. Had the questions arose out of a proceeding by writ of error to that house, their lordships would have had to decide judicially upon the law, and would most probably have decided according to the opinion of the majority of the Judges; in that case, the law upon the subject would have been settled for ever. The mode, however, in which these questions had been put to the Judges, and the answer they had given, rendered it absolutely necessary to resort to a declaratory law upon the subject, which was the only method of proceeding they could now adopt. He held in his hand a bill which he had framed, and which he thought would answer the purpose, declaring that it was, and ever had been the law, that a witness was bound to answer any question, although such answer might acknowledge, or tend to acknowledge a debt, or render him liable to a civil suit. He was aware, however, of the necessity of having a proviso, with respect to the exceptions to this general rule, and he hoped his noble and learned friend (lord Eldon) would take the subject into his consideration.—Some further conversation ensued between lords Holland, Eldon, Auckland, and the lord Chancellor. Lord Holland reminded the house that a bill upon this subject was already before their lordships, brought in by a noble earl (Stanhope). Lord Eldon condemned altogether the principle of that bill. The lord chancellor expressed a wish that lord Eldon would, at a private interview, assist him in adding to the bill he had already drawn, a proper proviso. Lord Eldon said, if his noble and learned friend would present his bill, he would then propose a proviso. Lord Holland observed, that the two noble and learned lords seemed to differ widely with respect to the intended bill, and the noble and learned lord on the other side the house to differ from himself. He thought it absolutely necessary there should be some understanding as to whether such a bill would be brought in or not. The lord chancellor undertook to present a bill of that description to the house as soon as he had had a private interview on the subject with his noble and learned (lord Eldon).

HOUSE OF COMMONS.

Tuesday, March 4.

[Minutes.] Lord J. Townshend, took the oaths and his seat.—Lord Ossulston gave notice that he would to-morrow bring forward a motion relative to the debt of the East-India company.—Mr. W. Smith presented a petition from Messrs. Chalmers and Cowie, Swedish merchants under the following circumstances: when a committee of the house was appointed, during the late scarcity, to enquire into the causes of the high price of provisions, &c. two Swedish merchants had appeared before that committee, and undertook the importation of a large quantity of herrings, from Sweden, with a view to relieve, in some measure, the distresses of the people. Under the sanction of the committee they sent out a cutter to Gottenburgh to buy up the herrings before the news could arrive, which might have raised the price of herrings in Sweden. A great quantity was provided, and in this situation it was found necessary by government, in pursuance of a more pressing policy, to lay an embargo on Swedish vessels. None could consequently come here from Sweden; and though the merchants had immediately done every thing in their power to dispose of the herrings to the best advantage, they had lost no less than 35,000*l.* by the speculation. They applied to the lords of the treasury who sent the matter to be examined by the commissioners of the customs. It had afterwards been before a committee of parliament, but the press of public business prevented a report. The affair, therefore, must be brought forward anew. It was a peculiarly hard case, and deserved the attention of the house. The petition was then ordered to be referred to a committee.—Mr. Babington presented a Petition of the court of directors of the Sierra Leone Company, setting forth, "that in the month of Dec. 1803, the petitioners presented a petition to the house, praying for a sum of money to be granted to the said company, to enable them to maintain the colony of Sierra Leone; and that the said petition was referred to a committee, who, after a full and particular examination of the matters contained in it, made their report to the house on the 27th of Feb. 1804; and that the committee stated in the said report, that the objects for which the colony of Sierra Leone was established were likely to be more effectually attained by transferring the civil and military authority of it to the crown: but they were also of opinion, that unless such a transfer should be effected, and until it took place, there appeared no better means of discharging the obligations of government towards the Nova-Scotians and Maroons, or of obtaining the other beneficial purposes proposed by the institution of the colony, than by supporting the company's government as now established; and the committee also reported, that the expence of the civil Establishment of the colony could not be estimated at less than 10,000*l.* per ann.; and the expence of the volunteer force for the defence of the place at 4000*l.* per ann., exclusive of a sum of 8000*l.* which was necessary to complete the fortifications; and that in consequence of the said report the house granted to the said company a sum of 10,000*l.* to defray the expence of the civil establishment of the colony for the year 1804; a sum of 4000*l.* to defray the expence of the volunteer force for the same year; and a farther sum of 4000*l.* (in part of 8000*l.*) to be applied to the purpose of completing the fortifications; and that during the last session of parliament the house renewed the grant of 10,000*l.* to defray the expence of the civil establishment of the colony; and 4000*l.* to defray the expence of the volunteer force in the year 1805; and that the recommendation of the committee to transfer to government the civil and military authority of the colony has not yet been carried into effect, although application for that purpose has been made to his majesty's government by thy petitioners; and therefore praying the house to take the premises into consideration, and that the sum of 14,000*l.* may be granted to the said company for the expences of the said settlement for the year 1806; and also the sum of 4000*l.* (being the remainder of the sum of 8000*l.*) for the purpose of completing the fortifications." Ordered to lie upon the table.—Lord H. Petty, moved the order of the day for the further consideration of lord Collingwood's annuity bill; which being agreed to, he said, that the circumstances of lord Collingwood's family made it necessary to advise what had been before proposed, and he had it in command from his majesty to recommend that revision. He then moved, that it should be recommitted for Friday next; which was agreed to. His lordship next moved, that the house should to-morrow resolve itself into a committee to consider of the circumstances of lord Collingwood's family; which was agreed to.—The Foreign Soldiers' Enlistment bill was read a second time, and committed for to-morrow.—Lord Temple, in moving the order of the day for taking into consideration the subject of allowing wool to be imported into the united kingdom from the British colonies in America, wished to observe to the house, that the importation of this article was already allowed from the united states of America, from Spain, and other countries, and that what he now proposed was no more than an extension of it to our own colonies. Mr. Harrison wished that the provisions of the bill should be confined to a limited time; to which the noble lord replied, that he could have no material objection. The resolution to that effect was then agreed to; and a bill ordered to be brought in upon it.—The Marine Mutiny bill went through a committee, and the report was ordered to be received to-morrow.—Mr. Alexander reported from the committee of supply; the resolutions which the committee had directed him to report to the house; *viz.* 1. That a sum, not excepting 1,045,353*l.* 12*s.* 11*d.* be granted to his majesty, for the ordinary of the navy, including half-pay to sea and marine officers, for the year 1806. 2. That a sum, not exceeding 1,980,830*l.* be granted to his majesty, towards the buildings, re-buildings, and repairs, of ships of war in his majesty's and the merchants' yards, and other extra works, over and above what are proposed to be done upon the heads of wear and tear and ordinary, for the year 1806. 3. That a sum, not exceeding 1,250,000*l.* be granted to his majesty, for the hire of transports, for the year 1806. 4. That a sum, not exceeding 400,000*l.* be granted to his majesty, for defraying the charge of prisoners of war in health at home and abroad, for the year 1806. 5. That a sum, not exceeding 45,000*l.* be granted to his majesty, for defraying the charge of sick prisoners of war, for the year 1806. 6. That a sum, not exceeding 30,000*l.* be granted to his majesty, for defraying the charge of the establishments and hospitals relating to his majesty's sick and wounded seamen at home and abroad, for the year 1806.

[IMPEACHMENT OF LORD MELVILLE.] Mr. *Whitbread*, from the committee appointed to draw up articles of impeachment against Henry lord viscount Melville, informed the house, that further matters had come to the knowledge of the said committee, in the course of the examinations taken before them, with respect to the conduct of the said lord viscount Melville, during the time that he held the office of treasurer of his majesty's navy; which information the committee think it of importance to communicate to the house, if the house shall please to receive the same. It was thereupon ordered, " That the said committee have leave to report such further matters as shall have come to their knowledge in the course of the examinations taken before them with respect to the conduct of the said lord viscount Melville, during the time that he held the office of treasurer of his majesty's navy." Mr. Whitbread accordingly reported from the said committee such further matters as they appeared to them; and he read the report in his place, and afterwards delivered the same, together with an Appendix thereunto, in at the table, where the report was read. It was also ordered, that the said Report be taken into further consideration upon Friday next, and be printed for the members of the house. A copy of the report will be found in the Appendix to the present volume.

[WOOLLEN MANUFACTURERS.] Mr. *Wilberforce* presented a petition of the manufacturers of Woollen Cloth in the county of York, setting forth, " that from the great increase in the manufacture of Woollen Cloth in the said county, and the very different methods of manufacturing the same, by machinery and otherwise, the acts now in force respecting Woollen Cloth are very inadequate to regulate and direct the same; and therefore praying, that leave may be given to bring in a bill for the better regulating and directing the trade and manufacture of Woollen Cloth in the said county." The hon. gent. stated that though the signatures to it were few in number, yet those represented a very numerous body, and might be called the domestic manufacturers of the country. He wished to apprise the house, that it was a distinct petition from that presented on the part of the finishers, and others; and, he had to say, in behalf of the petitioners, that they only wished for the patient attention of parliament, and would then be content with any measures the legislature, in its wisdom, might think proper to adopt.—Ordered to lie on the table.

Mr. *Peter Moore* presented a petition on the same subject, from the Cloth Workers of York and Lancaster. He hoped that as the hon. gent. (Mr. Wilberforce) had said a few words in favour of his own petition, he would also say something in favour of the petition which he held in his hand. This petition had been presented for three years successively, and last year it was put off upon an understanding that the subject was to be seriously investigated by the ministers. The change, however, which took place, had prevented the desired effect from this circumstance. But, however, the present ministry had agreed to take the affair into consideration, and he was now authorised to state, that this petition was brought forward with the sanction of office.

Lord *Temple* expressed the wishes of ministers to afford every facility possible to the steps that might be taken for the settling of this business. It had engaged the attention of the privy council, and it had occurred to them that another bill should be brought in to continue the suspension of the present regulations, with a view to bring in a bill as soon as possible, to fix the proper regulations. In his opinion one bill would not answer the purpose. He thought that different bills would be requisite, according to the various points to be settled.

Mr. *H. Lascelles* expressed his satisfaction at what had fallen from the noble lord. It always appeared to him that the various points embraced in this business could not be properly settled without the authority of government, and this therefore was a course of proceeding which he had always recommended. He was doubtful, however, whether the matter could be finally settled in the course of the present session. There were a great variety of points to be considered, such as the difference in the quality of the articles, the machinery, and the 7 years apprenticeship required at present from those who exercised the trade. He would give no opinion now on that head, but he hoped that the whole would be minutely examined when the bills came to a committee. The Woollen Clothiers of York had not as yet been heard on this subject, though others had enjoyed that advantage. He was earnestly desirous that this business might be soon and completely settled.

Mr. *C. Brooke* said, he was so sensible of the necessity of some effectual regulations, that he was willing to give every assistance in his power towards a revision of all the laws upon the subject.

Mr. *H. Lascelles* wished to submit whether it would not be proper to appoint a committee for revising the laws relating to the Woollen Manufacture in general?

Earl *Temple* replied, that he did not know of any objection to it.

The *Speaker* thought it might be right to remind them, that the practice of the house with the view of convenience, in such cases was to appoint a committee of revision, in preference to bringing in a number of different bills.—The petition was then ordered to lie on the table; as was also another petition to the same effect, from the Cloth Workers of Wilts, Somerset, and Gloucester.

HOUSE OF LORDS.

Wednesday, March 5.

[MINUTES.] In an appeal from the court of King's Bench, Macdonall v. Baily, Mr. Knapp was heard for the defendant, after which the judgment of the court of King's Bench was affirmed, with 80*l.* costs. —Mr. Fordyce, surveyor-general of the crown lands, presented the third report respecting the land revenue of the crown; which was ordered to lie on the table.—The qualification indemnity bill was read a second time, and committed for to-morrow.

HOUSE OF COMMONS.

Wednesday, March 5.

[MINUTES.] Mr. Hutchinson presented a petition from the city of Cork, praying for leave to bring in a bill to enable the inhabitants to erect a new gaol in Cork. Leave granted.—Mr. Fordyce presented the third report from the surveyor-general of the land revenues, which, on the motion of Mr. Vansittart, was ordered to be printed.—Mr. Allnutt, from the commissioners of the Thames navigation, presented, an Abstract of an Account of all money received and disbursed by the commissioners appointed for improving and completing the navigation of the rivers Thames and Isis in the year 1805.—The Marine Mutiny bill was reported, and ordered to be read a third time to-morrow.—Lord Temple brought in the bill for allowing the exportation of corn and other articles for the use of his majesty's foreign garrisons; which was read a first time.—On the motion of the secretary at war, the Foreign Soldiers' bill went through a committee. The report was ordered to be received to-morrow.

[LORD COLLINGWOOD'S ANNUITY BILL.] Lord *Henry Petty* moved, that the house should resolve itself into a committee, to consider the circumstances of lord Collingwood's family.—On the question being put,

Mr. *Bastard* said, before the house went into the committee, he wished to address a few words, by way of question, to the noble lord. He understood lady Collingwood, in case of her surviving her lord, was to have the annuity continued to her for her life. He thought it very right it should be so; but, what he wished to know, was, whether any provision was intended to be made for the unfortunate widows of captains of men of war, whose husbands had fallen gallantly defending their country in the glorious battle of Trafalgar? Captain Duff had so fallen, and had left behind him a disconsolate widow to mourn his loss, and, at the same time, the loss of her subsistance, for he understood she was very ill provided for; capt. Cooke had also fallen on the same glorious occasion, and had left a widow in a similar predicament. He wished, therefore, to know, whether it were intended any provision should be made for those unfortunate ladies? and he hoped he should not be deemed troublesome by the noble lord in asking the question.

Lord *Henry Petty* expressed his participation in the feeling so properly expressed by the hon. member; but he believed it was not customary on such occasions to make any particular provision for the widows of naval captains. He understood, however, that some application had been made on behalf of those ladies for his majesty's bounty, which was at present under the royal consideration, but he was not yet prepared to communicate the result.—The house then went into a committee: in which the noble lord moved a resolution, that in the event of the decease of lord Collingwood, the sum of 1000*l.* a year should, from the time of his decease, be settled on lady Collingwood for her life; and, after her decease, if the daughters of lord Collingwood be living, the same annual sum to be settled on them, to commence from the day of lady Collingwood's decease.—The house resumed, and the report was ordered to be received to-morrow.

[AFFAIRS OF INDIA.] Mr. *Paull* gave notice of a motion for Friday, for the production of three or four more papers to lay the grounds of an additional charge against lord Wellesley.

Lord *Temple* asked whether it was the intention of the hon. gent. to bring forward on Friday the additional charge he alluded to, or to move only for papers?

Mr. *Paull* replied, that he meant to move for the papers, and they would form all the documents he thought necessary upon this subject. If they should be produced in due time, he gave notice that he would in the course of the first week after the recess bring forward his accusations against lord Wellesley.

Mr. *H. Addington* begged the hon. gent. to describe the nature of the papers to which his intended motion would refer?

Mr. *Paull* said that there was a prince in India called the Rajah of Bhurtpore, with respect to whom the hon. member was proceeding to make some remarks, when he was called to order by the Speaker, who directed the hon. gent. to confine himself to the answer required of him. The hon. gent. then stated, that the papers he meant to move for related to the conduct of lord Wellesley towards the Rajah of Bhurtpore.

[ARMY ESTIMATES.] The *Secretary at War* presented the army estimates, which the right hon. gent. stated to be formed on the same scale precisely with those for 3 months, which had been voted on the proposition of his predecessor. The estimates which he had now the honour to present, were only for two months, and he hoped that long before the expiration of that time, his majesty's ministers would have fully matured, and parliament finally adopted, a plan for the permanent military establishment of the year, a plan which, he trusted, would at the same time that it augmented and strengthened our military force reduce the expence of our military department.—Ordered to lie on the table, and the right hon. gent. gave notice, that he would on Friday move the estimates in the Committee of Supply.

Lord *Castlereagh* took occasion to state, that the motion of the late ministers for proposing the estimates for only three months, was in order to leave their successors completely unfettered. He was enabled to say, that were it not for that consideration, the late administration was fully purposed at the time to bring forward a plan for the permanent military establishment of the year.

[WOOL EXPORTATION BILL.] Lord *Temple*, brought up a bill to permit the exportation of wool, from the British plantations in America, to the united kingdom. On the motion for its first reading,

Mr. *Harrison* entertained objections to this measure, which he conceived likely to injure the landed interest, but he would reserve the full statement of these objections to a future stage. In the mean time he hoped that some regulations would be introduced into it, that might render it less exceptionable. It struck him, that if the unlimited importation of wool were permitted, the effect would be to discourage the growth of that article at home, by placing the landed interest at the discretion of the manufacturers, who would, upon a surplus in consequence of the importation, be at liberty to offer any price they pleased. The importation at present allowed, proceeded from a wish to obtain the fine wool of Spain to mix with our own. But we had no want of the coarse wool of America. Indeed he could not conceive any reason for this bill. We had no scarcity of wool whatever, and therefore the bill was, on the face of it, unnecessary, and he much feared its effects would be injurious.

Lord *Temple* called to the recollection of the house, that the importation of wool from the united states of America was already permitted, and the only object of this bill was to grant to our own colonies the same advantage. It was his intention to propose, that the bill should be printed, and allow full time for its examination, in order that no alarm should arise from a misunderstanding of its provisions. If it should appear desirable to limit the continuance of the bill, he should offer no objection to such a proposal; and if, hereafter, it should be found disadvantageous in its operation, its repeal would naturally follow.

Mr. *Harrison* recommended every encouragement to the growth of wool, upon the same principle that the legislature encouraged the growth of corn. He advised the introduction of a clause into this bill, imposing a small duty on the wool imported, as the best means of ascertaining that which was very desirable, namely, the quantity of the importation.—The bill was then read a first time.

[REPORT FROM IMPEACHMENT COMMITTEE RESPECTING MR. TROTTER.] Mr. *Whitbread* reported from the committee, appointed to draw up articles of Impeachment against Henry lord viscount Melville; "that he was directed by the committee to acquaint the house, that Alexander Trotter, esq. late paymaster to Henry lord viscount Melville, whilst treasurer of his majesty's navy, having been examined by the said committee, did refuse to answer to what had been demanded of him by the said committee." The hon. gent. then moved, "That the entry in the journal of the house, of the 13th of April 1742, of the proceedings of this house, in relation to Mr. Nicholas Paxton, might be read:" And the same being read; the hon. gent. moved, "That the said Alexander Trotter, esq. be, for his said offence, taken into the custody of the serjeant at arms attending this house; and that Mr. Speaker do issue his warrant accordingly." [The speaker, in putting the question, substituted by mistake the name of Alexander Davison, for Alexander Trotter, which occasioned a general laugh.] On the question being put,

Sir *W. Elford* rose and expressed his hope that the house would not adopt the proposition of the hon. member, and consent to commit Mr. Trotter for refusing to answer the questions alluded to, upon a fair consideration of the reasons which induced that refusal. When Mr. Trotter understood that he was to be examined before this committee, he very naturally considered the propriety of declining to answer any questions which might have the effect of criminating himself, or exposing himself to a civil suit. Accordingly upon questions being proposed, which appeared to Mr. Trotter to have that tendency, he had recourse to the advice of counsel, and this advice corresponded with that which was pronounced law by several of the Judges in another place. The majority of the Judges had, he was aware, declared the law to be otherwise. But still, doubts existed upon the question, viz. whether a witness was compellable to give such answer to any question as might subject himself to a civil action, and in consequence of these doubts it was understood that a declaratory law was deemed necessary, and was intended to be brought forward. Under these circumstances, considering the difference of opinion which prevailed upon the point which applied to this subject even among the Judges, and that it was not yet ascertained what the law was, but that on the contrary a declaratory law was in contemplation, which two of the most respectable law lords had very properly said would require the most mature deliberation, he trusted the house would not visit the proposed punishment upon the conduct of Mr. Trotter.—The hon. bart. then read the opinion of counsel, under which Mr. Trotter had acted. This opinion was signed by Mr. serjeant Shepherd and Mr. Alexander, and imported that a witness was not compellable to answer any question, the effect of which might be to subject him to a civil suit. With all these considerations in view, it struck his mind, and he hoped it would appear in the same light to the house, that, pending the progress of the bill which was now in the other house of parliament, and which was introduced by the hon. mover himself, it would not be more reasonable than just, that the committee should suspend their enquiry upon this part of the case. It would, indeed, be inconsistent with the grounds upon which that bill professed to rest, to take a different course; for that bill, as well as the act of indemnity from criminal prosecutions, obviously recognised the principle on which the conduct complained of in Trotter, was quite justifiable. From these considerations he must say, that to commit Mr. Trotter into custody would be an act of oppression. If the hon. mover would consent to have the enquiries of the committee suspended, so far as Mr. Trotter was concerned, until the bill before the other house should be passed into a law, the refusal of Mr. Trotter to answer any question put to him by the committee, could not be excused, and upon the enactment of such law, he believed, that Mr. Trotter would not be inclined to make any refusal.

Mr. Secretary *Fox* said, that if no bill of indemnity whatever had passed, or was passing through parliament, still it would be extremely wrong in the house to take the course recommended by the hon. bart., and refuse to sanction the conduct of its committee. Upon such an application as that under discussion, it was not for the house to consider whether Trotter was legally compellable to answer certain questions which might have been put to him by the committee. Now, it should be taken for granted, that the questions proposed to him were correct; otherwise the house had not a proper confidence in its committee. What was the case? Why, that upon the recommendation of this committee, a bill was brought in, to indemnify Trotter from any civil action that might arise out of his answers before them, although the opinion of many lawyers was, that he was compellable to answer questions of that tendency; and that opinion, which prevailed before the bill was introduced, was since strengthened by the declaration of a great majority of the Judges. How could the house then, upon a question so circumstanced, reconcile it to itself to delay the progress of this prosecution, in the manner the hon. bart. proposed? Such a proceeding would be, in fact, to withdraw their confidence from the committee, and to imply a suspicion that that confidence had been abused. Coupling the proposition of the hon. bart. for delay, with what had taken place last year, when, by a mere majority of one, the cause of justice had triumphed, the house could not be unaware of the object. But he trusted that the house would not sanction the disposition that was manifested to withhold from this committee the degree of confidence which had never been refused to any committee upon similar occasions.

Mr. *Whitbread* observed, that if the motion he had introduced at the instance of the committee, should not be agreed to, the house had better withdraw its confidence from that committee altogether. It was impossible for him, consistently with his duty, to state at present what passed in the committee, but at the same time he could say, that Mr. Trotter was treated, in the course of his examination, with the utmost possible indulgence. In the opinion of many, indeed, among whom he was one, that indulgence had been often pushed too far. He had been indemnified from all criminal prosecution, and it was proposed to indemnify him from all civil actions. He had frequently demurred to questions which, according to the declared opinion of eight of the Judges, he was legally compelled to answer, and yet time was given him deliberately to advise with counsel, &c. The hon. member disclaimed the intention of offering any thing with a view to extenuate or to apologize for the conduct of the committee. Nor did he mean to state precisely the questions which Mr. Trotter refused to answer, but he could state in substance, that they were of such a nature as, according to the law pronounced by the four dissentient Judges, he could not be screened from answering. The hon. member repeated, that if the motion before the house was not adopted, the committee would be placed in such a situation, that it would be better to withdraw the confidence of the house from them altogether, and to appoint another committee.

Sir *W. Elford* disclaimed any intention, in the observations which he felt it his duty to submit, to impeach the integrity of, or weaken the confidence due to, the committee.—The motion was agreed to.

Mr. *Whitbread* said, he should decline to go to the extent of the precedent which the house had heard read, and which committed the refractory witness to Newgate, &c. He should only move that the serjeant at arms shall attend Mr. Trotter before the committee, whenever they shall think proper to examine him.—Agreed to.

[MILITARY ESTABLISHMENTS.] Mr. *Long* rose and said, that seeing a right hon. gent. (Mr. Windham) now in his place, he wished to ask him, at what time he intended to propose to the house his Plan, respecting the arrangements of the military establishment. He did not, he said, put this question, with a view to embarrass the government of which the right hon. gent. was now a member, but because he felt it was of high importance, that any alteration intended to be made should be known as soon as possible, since the longer such information was withheld, the greater embarrassment would arise to the service; as those exertions which might be made by gentlemen at this season, in different parts of the kingdom, could not be undertaken with the desirable effect, if they were to understand that new and material arrangements were to take place. He knew this to be particularly the case with respect to the militia in Ireland.—The right hon. gent. was proceeding, when

Dr. *Laurence* rose, to order, and observed, that the hon. member, instead of propounding a short question irregularly across the house, was proceeding into a detail, which might lead to a disorderly debate, there being no regular question before the house.

Mr. *Speaker* agreed to the propriety of this observation.

Mr. *Long* professed that his object was to state the reasons which induced him to put a question, upon a subject, with regard to which he disclaimed any intention to produce inconvenience to the right hon. gent. to whom it was addressed, but to obtain some satisfactory information, as to arrangements, in the proposition of which, he trusted, that no delay would take place which could possibly be avoided.

Mr. Secretary *Windham* said, he was very ready to give the right hon. gent. every satisfaction in his power, relative to the point alluded to. The right hon. gent. had, however, in asking the question, desired to know, when he meant to bring forward his Plan? He did not understand what he meant by the words, "his Plan." He had never mentioned any Plan to the house; nor had he ever heard, that any other member had done so for him. The business of the military establishment, for the present year, had been taken up by his majesty's ministers, immediately on their coming into office; and it had ever since engaged their most serious, minute, and continued, attention and consideration. They had, however, found it delicate, difficult, and highly important, and as such, had not been forward to say any thing of it to the house, till they were able to bring it, among themselves, to a state of sufficient maturity, and, whenever they should find it in such a state, both their duty and inclination would lead them to lay it before the house, as speedily as the nature and importance of it would possibly admit.

Mr. *Canning* observed, that there stood a notice upon the votes of the house, given on the first day of the session by a right hon. gent. whom he did not now see in his place (Mr. Sheridan), for a motion to repeal the bill called "the Additional Defence Act." He wished to know from the friends of that right hon. gent., in his absence, whether the repeal of that bill formed a part of the plan of military arrangement, because, if it were, it would be important the house should have a complete return of the number of men raised by its operation, in order to judge fairly of its effects; and, if not, that the exertions of gentlemen throughout the country, for carrying that bill into full effect, might not be damped by the apprehension of its intended repeal.

Mr. *Windham* said, he had already declared his object to the house, so far as he was yet prepared to explain himself on the subject of military arrangements. He had, however, no objection to answer the question of the right hon. gent. in substance, that in the plan of defence now in contemplation, that bill certainly would not have a place.

HOUSE OF LORDS.

Thursday, March 6.

[MINUTES.] Lord Tyrawley, one of the representative peers of Ireland, took the oaths and his seat.—The Qualification Indemnity bill passed through a committee, and was reported.—Mr. Johnson, from the office of chief secretary for Ireland, presented an account of the state of the prisons in Ireland for the year 1805, which was ordered to lie on the table.—Mr. Allnutt, from the commissioners of Thames Navigation, presented an account of the receipts and disbursements of that board for the year 1805, which was also ordered to lie on the table.

HOUSE OF COMMONS.

Thursday, March 6.

[MINUTES.] Colonel Vereker reported from the committee, to whom the petition from the city of Limerick had been referred, and obtained leave to bring in a bill for the more equal taxing, and the better paving, cleansing, and lighting the city of Limerick.—Mr. Alderman Combe presented a petition from several persons, owners and proprietors of houses, in Skinner-street, Snow-hill, and in Pickett street, Temple-Bar, praying leave to dispose of the same by way of lottery. He also presented a petition from the Master Shoe-makers of the city of London, praying for certain regulations therein stated, for the better suppression of combination among the trade.—On the motion of Mr. Vansittart, a new writ was ordered for the Borough of Corfe Castle, in the room of the right hon. Nathanael Bond, who has accepted the office of judge advocate general.—Mr. Mainwaring presented a petition for leave to bring in a bill for building a bridge over the Thames, opposite to Vauxhall.—The report of the committee of yesterday, on the situation of lord Collingwood's family, was brought up and agreed to, and, on the motion of lord H. Petty, it was ordered that it be an instruction to the committee, to whom lord Collingwood's annuity bill was referred, to introduce provisions agreeably to those resolutions.—Lord H. Petty brought in the bill for the better regulating the office of treasurer of the ordnance, which was read a first time, and ordered to be read a second time to-morrow. Mr. S. Bourne asked if any additional salary had been granted, or was in contemplation to be granted, to the persons holding the office in question, and other similar offices, in consequence of the regulations now introduced? The noble lord answered, that no such addition had been made, nor was he aware that any such was in contemplation.

[MR. TROTTER'S PETITION TO BE DISCHARGED.] Mr. *Whitbread* stated, that the conduct of Mr. Trotter before the committee appointed to prepare articles of impeachment against lord Melville this morning, justified him in offering to the house a petition, praying that he should be discharged. The petition was then brought up and read by the clerk; setting forth, "that the petitioner was committed to the custody of the serjeant at arms, for not answering certain questions put to him by a committee appointed by the house; and the petitioner hopes that such his refusal will not be ascribed to any want of deference or respect to the house, or to their committee, but to a sense of regard to his personal security, which, from his legal advisers, he understood would be endangered were he to answer such questions; but, since the declaration of the house respecting such his refusal, the petitioner most respectfully acquaints the house, that he is now most ready to attend the said committee, for the purpose of examination, and to answer such questions, deeply regretting his error, and begging pardon for the same; and therefore praying, that the house will order him to be discharged out of the custody of their serjeant at arms." The petition having been read, it was ordered, on the motion of Mr. Whitbread, "that the said Alexander Trotter be brought to the bar of this house forthwith, in order to be discharged." Mr. Trotter was accordingly brought to the bar, where he received a reprimand from the Speaker, and was ordered to be discharged out of custody, paying his fees. The reprimand was as followeth, *viz.* "Alexander Trotter; a committee of this "house, charged with the high and important duty of preparing Articles of Impeachment against Henry lord viscount "Melville, having reported that you, upon "your examination before the committee, "refused to give evidence, this house, in "its just indignation, ordered you to be "taken into custody.—Your example, and "the disgrace and imprisonment inflicted "upon you, are a warning to all men, that "resistance to the authority of this house "is vain.—But the atonement you have "made this day, by an early and full submission, having induced the house to "order that you be now discharged; you "are discharged accordingly, paying your "fees." On the motion of Mr. Whitbread, it was then ordered, "that what has been said by Mr. Speaker, in reprimanding the said Alex. Trotter, be entered in the journal of this house."

HOUSE OF LORDS.

Friday, March 7.

[WITNESSES' LIABILITY BILL.] The *Lord Chancellor* quitted the woolsack, and stated, he had a declaratory bill to submit to the consideration of their lordships; he adverted to the proceedings and discussions which had taken place, and which had induced the proposal of the present bill. These, their lordships would recollect, arose principally from a question proposed by a noble and learned friend of his, "Whether, according to law, a witness were bound to answer questions, the answers to which did not tend to accuse himself, but to establish, or tend to establish, that he owes a debt, recoverable by a civil suit?" On this, the opinion of the Judges was called for, and a great majority of them were of opinion, that a witness had no such right to demur. After such a decision, and what had been stated by his noble and learned friend (lord Eldon), that in the course of his long experience, he never heard of such a claim, urged on the part of a witness; after what his noble friend at the head of the court of King's Bench, had also stated to the like effect; and after what he knew himself, who was exactly in a similar predicament; he thought the best mode was, to declare the law as stated in those opinions and declarations. It did not appear in the event, that the question proposed by his noble friend, was, in point of fact, liable to any objection; neither did it appear, that the answers of the learned Judges were not satisfactory to the house: on this principle, the bill he held in his hand proceeded. His lordship then adverted to some subordinate legal considerations, which seemed partly to arise from a contemplation of the particular circumstance which originally gave birth to the measure, and which might be thought necessary to be attended to on such an occasion as the present; but he thought it proper to make the bill as generally and as purely declaratory as possible, and without reference to any proceeding then before that, or the other house of parliament. Their lordships, however, would have an opportunity of more minutely considering the bill, on the 2d reading. He had rendered its language and tenour as guarded as possible, and he could not help flattering himself, that, with the assistance he should receive in perfecting the measure, from his noble and learned friend, he should be able to make it so as to meet the approbation of their lordships. After a few further remarks, in which he noticed what had been thrown out, as to affording, in certain circumstances, an ulterior protection to witnesses, and the consideration whether the present moment, were the fittest for such an enacting bill, he presented his declaratory measure, which was intituled, "An act to declare the law with respect to Witnesses being liable to answer." His lordship then moved, "that the bill be read a first time;" which was accordingly done; and afterwards ordered to be printed.

Lord *Eldon* made a few remarks on the nature of the opinions delivered by the learned Judges; of whom, seven, out of the eleven who delivered their opinions regularly, were, as the noble lord on the woolsack stated; at the same time, it should be recollected, that those who delivered a contrary opinion, did it as a general rule of law, which they admitted liable to many exceptions. This seemed, in the sentiment of the noble and learned lord, to be an additional reason in favour of such a bill as his noble friend proposed. His lordship then alluded to a clause or provision, in effect, as he had stated on a former evening, which he should conceive necessary to propose, on the 2d reading of the bill.

[WITNESSES' INDEMNITY BILL.] Lord *Holland* observed, that in the course of the various discussions respecting the subject involved in this bill, several objections had been made to the bill which he had hitherto forebore to notice, but on which he could not avoid troubling their lordships with a few words, before he moved to discharge the order on it. After giving a short detail of the progress of the indemnity bill brought in last session, and of the bill now before the house, together with the questions referred to the Judges, and their opinions, he contended, that the present bill had been mistated by the noble and learned lord (Eldon), on a former occasion, to be an ex post facto law, neither was it the object of the bill, to alter the law as already existing. Those who had framed the bill, had done it with the best views and the best intentions, and in supporting the bill in that house, he had no other object than that complete justice should be done in the case to which it referred. He wished their lordships to keep in mind the precise grounds on which the bill stood; if a witness in any suit in a court of law was interested, he might be rendered a competent witness by means of a release; the present bill would have operated as a release to certain witnesses, of any debts which might be due from them to the crown. It was here that, according to the law, as stated by a majority of the Judges, and as about to be declared by the bill presented by his noble and learned friend, that a witness could not demur to a question on the ground, that the answer would render him liable to a civil action for a debt, but the bill went away to release the witnesses in the case mentioned, from those debts which could serve them for any ground of demurrer. He should not press the bill upon their lordships' attention now that a declaratory act had been presented, but should only observe, in addition to what he had stated, that the bill was sanctioned by precedents, respecting which he would content himself with referring their lordships to Viner's abridgement, and Mr. Cowper's reports. There was, however, one objection to the bill which he had not heard stated in that house, but which had great weight in his mind, which was, that the advantage sought to be attained by it, ought not to be purchased by giving up any sums of money which might eventually turn out to be due to the public from any persons whom it was the object of the bill to indemnify. He concluded by moving to discharge the order for summoning their lordships for this day, observing, that he should fix no other day for the 2d reading, not, however, giving it up altogether, until something definitive was done respecting the proposed declaratory law.

Lord *Eldon* said, he still maintained his former opinion with respect to this bill. As to the analogy stated by the noble lord in the case of releasing a witness, it did not apply to the bill, there being no such thing known in a court of law as releasing a witness in the event of his making a full and fair disclosure, the release must be unconditional, or else it was a nullity.—The order was then discharged.

HOUSE OF COMMONS.

Friday, March 7.

[Minutes.] The sheriffs of London presented at the bar, a petition from the lord mayor, aldermen, and commons of the city of London, stating, that the existing acts relative to a free market for coals in the city of London were defective, and praying leave to bring in a bill to amend and render the same more effectual. Referred to a committee.—Mr. Fox presented a petition from the company of Butchers of the city of London, setting forth "that an act was passed 43 Geo. III. to extend the provisions of two acts, passed 39 and 40 and 41 Geo. III. relating to the use of horse hides in making boots and shoes, and preventing the damaging of raw hides and skins in the flaying thereof, and to alter and amend the same, as to the cities of London and Westminster, and borough of Southwark and liberties thereof, and all places within 15 miles of the Royal Exchange; and that the petitioners and other Butchers residing within the limits of the said act have sustained very considerable loss by the operation thereof; and that the petitioners conceive the intentions of the said act might be more easily and effectually carried into execution, if the said act was repealed, and the necessary powers and provisions, so far as relates to the limits therein mentioned, comprised in one act: and therefore praying, that leave may be given to bring in a bill for the purposes aforesaid." Ordered to be referred to the consideration of a committee.—Lord Henry Petty presented the annual petitions from the different Irish charities; which were ordered to lie on the table.—On the motion of Mr. Whitbread, the order made on the 27th of Feb. was discharged, and a new order made for a return of the volunteer force of G. Britain, cavalry, infantry, and artillery, describing the different state of discipline of each corps, and specifying the names of the returning officers.—On the motion of Mr. Harrison, it was ordered that an account be laid before the house, of all wool imported into Great Britain for the last ten years, distinguishing the kinds and specifying the countries from whence received.—Lord Castlereagh moved for the abstracts of the men raised by the Additional Force bill; and lord Henry Petty moved for an account of the penalties incurred under the said act.—Mr. Hobhouse presented a petition of the several creditors of the late Nabobs of Arcot, and parties to the articles of agreement hereinafter mentioned; setting forth, that by certain articles of agreement, bearing date the 10th of July 1805, made between the East-India company of the one part, and the creditors of the late nabobs of Arcot, of the other part, a certain fund is provided for the satisfaction of the debts of the creditors of the said nabobs, and for investigating the claims, and ascertaining the amount thereof, by certain commissioners named in the said articles of agreement; and that all the objects of the parties to the said articles of agreement, as therein expressed, cannot be effectuated without the assistance of parliament: and therefore praying, that leave may be given to bring in a bill for effectually carrying the said articles of agreement into execution, or that they may have such relief as the house shall think proper." Ordered to be referred to the consideration of a committee.

[Impeachment of Lord Melville—*Additional Article.*] Mr. *Whitbread* moved the order of the day for the house taking into consideration the report from the committee appointed to draw up articles of Impeachment against lord Melville. He then said that he was unwilling to take up the time of the house, by entering much at length into the details of the report, which were already before them; and, indeed, it would be unnecessary to do so, as he trusted, that the house, from what had been submitted to them, would find no difficulty in sanctioning the new article of impeachment which he was empowered by the committee to propose. But notwithstanding the clearness and accuracy of the report, which had been drawn up by an hon. and learned friend, now in the house, (Mr. Giles,) it might not be improper to say a few words as to its substance, and the form in which the committee had brought it before the house. They had thought that the new information which it contained was so important, that it could not with propriety be withheld from the house and from the country. The grounds of crimination appeared so new and material, as to call for the addition of another article of impeachment. It now appeared that not only the sum of 10,000*l.* had been misapplied by lord Melville, as admitted by his own confession, but that he had possessed himself, at an early period, of very considerable sums, to the gross amount of about 27,000*l.* This money had not been applied to the public service, but for his own private purposes, and for the accommodation of certain traders with whom he was connected. When he retired from the office of Treasurer of the Navy, he went out a debtor to the public; he remained a debtor during the short period of his retirement; and he was equally a debtor to the public when he resumed that situation; when he proposed the very bill for preventing the misapplication of the public money, he was a debtor to the public, and he continued afterwards to violate the very law which he himself had procured. Such were the facts which the report had disclosed. They might, indeed, have been brought forward by the committee, to substantiate the first article of impeachment; but they considered that, by being mixed with other matter, they were in danger of being confounded or overlooked, and that, by being used in support of a new article, the evidence would be more direct and satisfactory. Besides, it might seem unfair to the person accused, were charges not under the consideration of the house, at the time when the articles were first proposed, adduced in support of any of those articles. A right hon. gent. (the Speaker) who was intimately versant in the forms and usages of that house, had, indeed, informed him, that there was no precedent for bringing fresh articles of impeachment, after an answer had been delivered in by the person accused. But though the committee were not supported by precedent, yet they were justified by reason and expedience. Were the general answer of the delinquent to preclude every future charge, this would directly tend to prevent investigation, and frustrate the ends of public justice. The committee were not chargeable with any want of diligence in the performance of their duty. During the last session, they had sat every day, from the period of their appointment, till the prorogation of parliament; only two days before which, the papers, on which this new article was founded, came into their possession. The hon. gent. added, that he did not expect any opposition would be made to his motion; and concluded with saying, that, whenever lord Melville should have given in his answer to this additional article, the managers were ready to go to trial on the earliest day that their lordships might think proper to appoint. He therefore moved, "that the committee which was appointed to draw up articles of impeachment against Henry lord visc. Melville, do prepare a new article of impeachment on the matter contained in their last report, and report the same to the house." Ordered.—After the lapse of a few minutes,

Mr. *Whitbread* brought up a report, which was as follows:

"The committee appointed to draw up "articles of impeachment against Henry "lord visc. Melville, and who were ordered "to prepare a further Article, have, pursu"ant to the order of the house, prepared "a further article against the said lord "viscount Melville; which is as followeth; "*viz.*

"ARTICLE X.—That Henry lord visc. "Melville, after his maj. had by letters "patent bearing date the 19th of Aug. 1782, "given and granted unto him the office of "treasurer of his maj.'s navy, did, on divers "days and times between that day and the "5th of Jan. 1784, and also on divers days "and times between the said 5th of Jan. "1784, and the 1st of Jan. 1786, take "and receive, from and out of the monies "from time to time issued or paid to him, "as treasurer or as ex-treasurer of his "maj.'s navy, from his maj.'s exchequer, or "some other sources, for naval services, "divers large sums of money, amounting "together to a large sum, to wit 27,000*l.* "or thereabouts; and did fraudulently and "illegally convert and apply the same to "his own use, or to some other corrupt "and illegal purposes, and to other pur-

"poses than those of the public naval services of this kingdom, to which alone the same was lawfully applicable; and did continue the said fraudulent and illegal conversion and application of divers of the said sums of money, after the passing of the act of parliament for the better regulating the office of treasurer of his maj.'s navy."

Mr. *Whitbread* then moved, that this article be taken into further consideration on Monday.

Mr. *Perceval* felt himself unable, at the moment, to make up his mind as to the strict legality of this measure. He gave the committee the greatest credit for their exertions, but it had occurred to him, and he thought it might be useful to suggest to the committee, that even were the house to vote this additional article of impeachment, certainly contrary to precedent, and probably objectionable in some other respects, it might meet with considerable obstruction and opposition in another place.

Mr. *Whitbread* allowed, that the lords might possibly object to this article, as not having received it before the defendant had put in his reply to the former articles. But undoubtedly, if the lords should be of opinion that a fresh article of impeachment could not be exhibited, and should refuse to receive it, it certainly was competent to the house, on the discovery of fresh crimes, to prefer an altogether fresh impeachment. Not only the reason of the thing, but motives of convenience to both houses, would, he trusted, induce their lordships to adopt a different determination.—The motion was agreed to.

[Army Estimates.] On the motion of the Secretary at War, the house resolved itself into a committee on the Army Estimates.

General *Tarleton* said, he understood, that the estimates now on the table were merely a continuation of those laid before the house by the former ministers. He thought it extraordinary that the new ministers had not yet brought forward their own plans for the defence of the country, particularly as the declarations of a right hon. gent. (Mr. Windham), on the Defence Act, and the volunteer system, must operate unfavourably on each of them, and thus tend to diminish our effective force, while nothing else was substituted in their place. After all the activity which that right hon. gent. had displayed in his speeches, and all the plans which he had given grounds to expect, nothing had yet been produced.

Mr. *Windham* replied, that the rapidity and decision advised by the hon. general might be proper in the field, but not in the cabinet. All delay must be viewed as relative to the object to be accomplished. Considerable alterations in various and complicated departments of the public service, required deliberation proportioned to their magnitude and importance. He objected to gentlemen calling for plans from him, as the frequenters of the theatre called for an entertainment. He did not feel disposed to indulge them, and their impatience should never provoke him to lay any thing before the house that seemed to himself immature.

Mr. *Canning* contended that justice had not been done to the Defence act. Early in the session a notice had been given of a motion for its repeal; and a measure which could only be carried into effect by great exertions, was paralysed by this threatened repeal.

The *Secretay at War* repeated the observation which he made on presenting the army estimates, and concluded with moving the following resolutions, which were agreed to: 1. "That the number of 134,473 effective men be granted for the service of his majesty, from the 25th of March to the 24th of May inclusive: 2. That 795,460*l.* be granted to his majesty, for guards and garrisons for that period: 3. That 336,693*l.* be granted to his majesty for foreign garrisons for the same period."—The house having been resumed, the report was ordered to be received on Monday.

HOUSE OF LORDS.

Monday, March 10.

[Minutes.] Mr. Whitbread, accompanied by several members of the commons, presented at the bar, in the name of the commons of the united kingdom, the further article of impeachment against lord Melville. The article was read at the table; after which lord Auckland moved that it be referred to the committee appointed to search for precedents of the proceedings of that house on cases of Impeachment.—Ordered.

[Insolvent Debtors.] Lord *Holland*, on presenting a petition from certain debtors confined in the King's Bench, praying relief, addressed a few observations to the house, on the subject of Insolvent Debtors, and the practice of imprisoning such debtors. He observed, that the general subject, to which the petition he had the honour to present, partially referred, was one that deserved the most serious attention of the legislature, as well, with respect to views of justice and policy, as in reference to the obvious humanity of the case. The existing laws, in these respects, called for revisal; and were capable of much amelioration: he wished some general legislative regulations were made, with respect to the subject. He could not expect, that a noble friend of his (lord Moira), who had more than once come forward on the subject, and who was, in every point of view, so capable of doing it justice, under the present multiplicity of his very important professional avocations, would be able to give the general subject that degree of attention which its various and important nature evidently demanded. However, he seemed to think a temporary regulating bill, such as had obtained in former years, and which, of course, would not occupy that share of time, or degree of attention, which a more comprehensive and enlarged regulation of the law, necessarily would require, might be brought forward, during the present session and be productive of beneficial consequences. The noble lord then presented the petition, the title of which was read by the clerk.

The Earl of *Moira* rose, and alluded to some forcible objections which had been entertained to partial Insolvent bills; but, notwithstanding these objections, his feelings and opinions upon the subject were such, that he should be inclined to countenance a temporary Insolvent Debtors' bill, were such a measure brought before the house; but circumstanced as he then was, he could not undertake to bring forward such a bill himself. On the general subject, he had not in the least altered his sentiments, they remained the same; but his duties and avocations were of such importance, and mostly of such a nature, as to admit of no postponement, that he saw no chance of his being able to give a measure of the kind that degree of attention it evidently required. Neither did he think the time and arrangements of the house would allow it, in the course of the present session, sufficiently to investigate and apply adequate legislative provisions, with respect to the general subject. There were two important trials pending, which would occupy all the time the house could spare from its ordinary legislative business; under these circumstances, he seemed to think the general subject could not be brought forward with effect this session. Besides, it was not only of a very important, but of a various and comprehensive nature; and the investigation should proceed step by step, as the best means of affording a prospect of a satisfactory issue: but, he repeated, that with respect to himself, he did not feel authorized, under the circumstances in which he was placed, to bring forward a measure of the kind; but that were such a bill as he alluded to, to come before the house, it certainly should have his countenance.

The *Lord Chancellor* observed, that under his circumstances also, he did not consider himself as duly prepared to bring such a bill before their lordships; but, as his noble friend who had last spoken stated, he should give every attention in his power to a bill of the kind, if brought forward. He agreed with his noble friends in what they said relative to the general subject. He had, in the course of his long professional experience, seen many instances of individuals deprived of their liberties through misfortune, and had frequent occasion to lament the unhappy consequences in that point of view, of the operation of the present laws. After a few further remarks on this part of the subject, the noble and learned lord said, if such a bill as that adverted to by his noble friend, should be brought forward, he would contribute his assistance in forwarding the measure, towards the relief of the unhappy objects of it.—The petition was then ordered to lie on the table.

HOUSE OF COMMONS.

Monday, March 10.

[MINUTES.] Mr. Johnson, from the office of the chief secretary of Ireland, presented at the bar, an account of the ordinary revenue of Ireland, pursuant to an order of the house.—Mr. Calcraft presented the ordnance estimates, and gave notice that although it was earlier than the usual practice, yet as he apprehended no objection would be made to his proposition, and as it would be attended with much convenience, he would move them in the committee of supply on Friday.—On the motion of Mr. Whitbread, the order of the day for taking into further consideration the report of the committee appointed to prepare another article of impeachment against lord Melville, was read. He then moved, that the said article be one other of the articles of impeachment against lord viscount Melville. Ordered.—On the motion of Mr. Witbread, it was also ordered, that a clause be prepared, saving liberty to the commons to prefer any other articles of impeachment against lord viscount Melville, and that he be put to answer the same; and that the committee appointed to draw up the articles of impeachment, be appointed to draw up the said clause. The hon. gent. immediately brought up a report from the committee, containing the above clause, which was read, agreed to, and ordered to be engrossed, with the article of impeachment.

[Election Treating Act.] Mr. *Tierney*, pursuant to the notice he had formerly given, rose to bring forward his motion for leave to bring in a bill to explain and render more effectual, an act made in the 7th and 8th of William III. chap. 4, for preventing charge and expence in elections of members to serve in parliament. Every gentleman with whom he had conversed on the subject, agreed with him on the necessity of some measure for giving effect to an act of parliament, which had been found by uniform experience, to fall in most cases greatly short of the object it avowed; but many were of opinion the attempt would be attended with difficulties scarcely surmountable. It was by no means his intention to give to that act any new construction, to the exclusion of any particular class or description of voters, or to pervert its meaning from the object it fairly avowed; but merely to remove the doubts which had arisen upon its construction in the minds of committees appointed to try the merits of elections, and to give it some certain and defined construction; and the construction which he should propose, was precisely that which had always struck his own mind on the subject. The object of the act in question, was to exempt candidates from the enormous demands to which they were made liable, under the head of charges for the conveyance and travelling expences of voters not resident at the place of election, and to prevent the system of bribery and corruption which, under the pretence of such charges, might be and actually were carried on. The evils in those cases could not arise in places where the voters were all residents of the town or vicinage, but where persons claiming a right to vote at such elections resided at a distance, often at the extremity of a county, which constantly gave rise to scenes of confusion and enormous expence; for, in coming to give their votes at such elections they uniformly claimed the expences of their conveyance and travelling charges, and those upon the most extravagant scale, from the candidates for whom they chose to vote. Perhaps there might be no very great objection to allow the claim of a voter, coming from a distance to give his vote, at a considerable loss of time, to some reasonable allowance for travelling charges and necessary refreshment; but the usage of making such allowances had still thrown open a door to such extravagant demands on one hand, and gave such an opportunity for bribery on the other, that every fair-intending candidate must have long since wished to see some effectual check put to such a system. Many determinations had taken place from time to time, upon representations and complaints of this nature; but they were all upon distinct grounds, and none of them including all the objections for which remedy was desirable; nor were there any cases which had occurred affording any series of precedents which could be decisive for the clear construction of the act. The chief difficulties had occurred in Westminster Hall; and the courts of Common Pleas and King's Bench had differed materially in their decisions upon the subject. In the former court, an action had been brought in the case of Crickett and others, on the part of a publican, to recover from a candidate a sum for refreshments given to his voters: but chief justice Eyre was of opinion, the law could not sustain such a demand, and that it was contrary to the act of William III. Another case occurred in the court of King's Bench, in which the elector, who had come from Durham, where he resided, to give his vote at Taunton, where he possessed a right of voting for one of the candidates; but before he would give his vote, he demanded 30*l.* for his conveyance and travelling expences, and said he should not vote till he was paid. He was an itinerant musician; he had calculated the expence, and would not give his vote without receiving his demand; a suit was afterwards commenced against this man, upon the ground of bribery; but the chief justice then, in summing up the evidence, found that a post-chaise from Durham to Taunton at eighteen-pence per mile, amounted to much the greater part of the charge; that the man's travelling charges must also be considered, and some little allowance made for junketting with his friends at a time of election, to which, adding his loss of time, the charge altogether was not considered to be of that exorbitant kind, that could justify a charge of corruption or bribery, and therefore the decision was in favour of the defendant. Notwithstanding, however, the decision of the Court of King's Bench in that case, every man must feel the excessive hardship imposed upon a candidate who stood the election for any place situated as Taunton was. If he were to be put to the expence of 30 or 40*l.* for the conveyance of any voter from the most distant part of the country, merely because that voter chose, for his own interest or convenience, to reside out of the town where he claimed such vote, and in some other town at a distance where his mere residence gave him the right of another vote, as was precisely the case here, the expences to which a candidate might be put in such cases for the conveyance of electors, to gratify their own wishes, and exercise their own privileges, for their own advantage, were as incalculable as they were unjust, and ought not to fall on the representative; for it was not merely the actual expences incurred, which they would have to pay, but the extravagant profusion too often indulged by such electors as these, when they felt themselves travelling not at their own charge, but at that of a candidate, whom they suppose well able to pay. With respect to county elections, the case was certainly different in relation to the elector; because, voting from freeholds, often in remote parts of the country, upon which they resided, certainly it would be hard for them to travel at their own expence to a county election to vote for any candidate; and though there might be no strong objection for a reasonable allowance to the voter for conveyance, yet still it would be extremely difficult to draw the line of strict propriety in all cases, so as to guard against the abuses such a system admitted of: but upon the candidate the hardship must be still greater than in the other case; because the expences must be incalculably more enormous. No man of moderate fortune, however respectable his talents and character, could pretend to stand the contest for a county against a wealthy rival. It would be in vain that the law required as a qualification for representing a county 600*l.* a year landed estate, or 300*l.* for a borough; since no man, under the liability to such a system of expence, could venture to set up for a county, who was not prepared to spend in the pursuit more than the fee simple of his qualification; nay, without being prepared to squander from ten, to twenty, thirty, or even forty thousand pounds in the contest. The strong point therefore to which he particularly objected, was the extreme hardship imposed upon the candidate, in being left open to the claims of the voter for his conveyance and travelling charges from one extremity of a county to the other, to exercise his own privilege, and for his own advantage. It was for this he wished a remedy; and so it was an effectual one, he should not be very fastidious as to the form. A plan had been heretofore proposed, for preventing the confusion and expence attendant on county elections, by enabling the electors to give their votes within their respective districts. He should have no objection even to such arrangement; but, from the principle avowed in the very preamble of the act to which he alluded, he held it to be the clear and obvious construction of that act, that the candidate, in all events, should not be charged with the expences of conveying electors to gratify their own wishes, and for their own advantage, to exercise their privileges. And whether the expence was to be defrayed by a county-rate (though he was not quite agreed as to that), or what other mode should seem more eligible, the candidate should certainly be exempt. The act of king William contained no distinction between residents and non-residents. It was an act not hastily introduced, but one that had been, at a prior period, under the consideration of parliament. The right hon. gent. here read the preamble of the act, which stated, that it was to remedy the great grievance of expensive elections, &c. Such being the case, it was obvious that the intention of the framers was not to confine its operation to the places of which the residents alone were electors, more especially as the proportion of these to those where non-residents had the right of voting, was only as one to four. Three-fourths, therefore, of the kingdom were totally out of the beneficial influence of the act. He had never heard it contended by legal men, that the law did authorize an allowance to a non-resident voter for loss of time, &c.; the only ground on which such allowance had been defended was convenience. It might be thought that the operation of the bill, which it was his wish to bring in, would be to disfranchise three-fourths of the voters in the kingdom. If he were of that opinion, he would be the last man to propose it. He would either not propose it at all, or he would propose an adequate compensation to those who would be aggrieved. It had once occurred to him to suggest the propriety of giving to a non-resident the power of voting in the place in which he resided, instead of that for which he was originally qualified, but, on consideration, he found that such a man sustained no hardship by not voting. He would vote, if he did vote, to please himself. In parliamentary language, the elected bears the burthen; the elector casts the burden. Adverting to one of the cases which he had mentioned, that of the fidler, who went from Durham to Taunton to vote, what was it first induced him to go from Taunton to Durham? Interest.—Had he been desirous to retain his power of voting, he should have remained at Taunton, where he possessed that power. Besides, by his residence at Durham, he had acquired a right of voting there, and he then came forward and claimed a vote likewise for Taunton. What hardship was there in saying, "We do not take your vote away; if it be an inconvenience to you, it is an inconvenience of your own making." Should the house, however, think it right that this inconvenience which a man brought upon himself should be remedied at the expence of the candidate, then he allowed there would be an end to his bill. It might be objected, that such a construction would go to disfranchise the 40*s.* freeholders. But though that was by no means his wish, nor should he be inclined to vote for such a proposition if it was brought forward; yet he begged it might be recollected, that if the original institution of 40*s.* freeholders were considered, and the circumstances under which it took place, the original spirit of that measure would be found in no degree infringed by increasing the qualification to a much higher sum, and thereby removing, in a very great degree, the evil of which he now complained; for if the comparative value of money, in the reign of Henry VI. and at this day were duly considered, it would be found the depreciation was as 15 to 1, and consequently that a qualification of 30*l.* a year, at this day, was no more than adequate to one of 40*s.* in the former. Where then would be the hardship, if a man possessed of a freehold property of 30*l.* per annum, were called on once in seven years, to go at his own charge to give his vote at his county election? The effect of the present system, under which the number of 40*s.* freeholders had been so very greatly increased, was very considerably to decrease the number of candidates for elections, by the dread of the enormous expences to be incurred by election contests; whereas the increase of qualification, by confining the elective franchise to that description of men, by whom it was originally designed to be exercised, would open a wide door for admitting to that house an order of men he very much wished to see there; an order of men in which England more than any country of Europe abounded; namely, men of moderate fortune, independent principles, liberal education, and sound understanding; who well understood the constitution, and the true interests of their country and were firmly attached to the maintenance of the one, and the promotion of the other. It had been suggested by some gentlemen, that it would be advisable to establish a county-rate, for the purpose of paying the expenses of those electors, who resided at a distance from the place of election. To this he certainly had no objection, although he could not see on what principle such non-residents were entitled to it. In large counties taking the poll at several places, might in some degree obviate the inconvenience complained of. At present there was only the alternative of a shameful compromise between the contending parties, or a scene of dreadful riot and extravagance at the place of contest. An objection might be urged, that the law might entangle the candidate, and that no man might be safe in his election, if he had given a glass of wine to an elector. But had there been a petition to this effect from a place, where the voters were resident, and where consequently the operation of the act of king William had extended? There was another trifling objection which might be made: it might be said, that a strict adherence to the letter of the law would destroy old English hospitality. In his conception, however, it would promote it; for the country gentleman would not be deterred from shewing genuine old English hospitality by the necessity that was now imposed on him, of providing for the extravagant expense of a contested election. It might also be said, that voters would become indifferent as to their representatives, and that all manifestations of popular spirit would be repressed. To this he could give a direct answer. In his own election for the borough of Southwark there was, though no riot as formerly, as strong a manifestation of public spirit as ever. All the difference that he could perceive was, that the speeches of the candidates were listened to by sober men instead of drunken ones. When the house came to the resolution that no candidate should be allowed to spend more than 5*l.* at an election, a sum which was afterwards increased to ten, was it intended by them to leave a loop hole permitting candidates to expend 10,000*l.* at an election? Was this practice in consonance with the spirit of the resolution which was passed by the house, thanking the electors of some counties for having elected their members without expense? In 1774, a committee was appointed to revise all the laws relative to elections. The report of that committee was well worth the attention of the house. That report suggested the expediency in some counties of making compensation to the freeholders for their expenses, &c. but not the least hint of throwing this burden upon the candidate. It therefore confirmed his opinion, that the candidate should be exonerated from any such charges. He wished this broad principle to be established, that every man must vote at his own expense, and any particular cases that might occur might be left to the consideration of committees. It would be for them to determine what amounted to a bribe and what not. A bottle of wine given by a candidate to his equal, could not be considered as a bribe, but there might be instances in which even such a trifling gift would influence a man of a different description. If the bill which he proposed, should pass into a law, he firmly believed that all the evil proceeding from popular elections would be done away. As the law stood, men of small fortunes were completely excluded from parliament. It was a mere mockery to say, that a man possessed of 600*l.* a year was qualified to be the representative of a county. Perhaps there was no county in which among the men of moderate property there was so much talent, and so much integrity, and yet these men were virtually excluded, unable as they were to undergo the expenses of an electioneering contest. The only sufferers by the bill would be men of no family, no talents, no virtue, and who depended for their success solely on the influence which their riches gave them. The right hon. gent. Mr. Tierney concluded by moving for leave to bring in a bill to explain and render more effectual an act made in the 7th and 8th of king William III. for preventing charge and expence in election of members to serve in parliament.

Mr. Secretary *Fox* allowed that he was one of those who had a good will towards the object of the hon. gent.'s motion. It was necessary for him to rise at this early stage of the question to say, that he did not think so lightly of the difficulties that were in the way of that object, as the hon. gent. There might be means discovered of removing them, but they were certainly not trifling. With regard to what had been said about the 40*s.* freeholders, it should be recollected, that their non-residence was no act of their own. As for comparing the freeholders to that amount of the present day, with those in the reign of Henry VI, he had always been of opinion, that this was a point of the constitution better understood at the present day, than in the times of the houses of York and Lancaster. There was an aristocratic principle in limiting the right of voting to those who possessed a certain value of landed property, which the subsequent depreciation of money had much reduced and meliorated. Had a bill been offered to the house to deprive freeholders under 30*l.* a year of their elective franchise, he should have given it his most decided opposition. The hon. gent. himself had admitted, that this would not be expedient. If therefore, it was not justifiable directly to deprive them of their right, neither was it justifiable indirectly to do so. The hon. gent. allowed, that Yorkshire was an instance in which, from the extent of the county, inconvenience would result to many of the minor freeholders, if a compensation for their expenses were withheld from them. But not Yorkshire alone, Lancaster, and several other counties, would be subject to the same grievance. As to the plan of taking the poll at different parts of the county, when it was first suggested, he felt repugnant to it, but the reasoning of the hon. gent. rendered him willing to acquiesce in it. At any rate he was desirous, by every means, to avoid confining the right of voting at county elections to the large freeholders. Now, with regard to the boroughs, he must say, that the hon. gent. went too far in saying that it was in the option of every voter to remain a resident or not; and that if it was an inconvenience, it was one which he brought upon himself. This was much too generally stated. At such times as the present, when the exigencies of the country called so many men from their homes, this sentiment was peculiarly reprehensible. Would the hon. gent. wish that every man who had inlisted for a soldier should be deprived of his elective franchise? that he should abandon his rights as a freeman? Surely not. Much less in the case of a militia man. It would, indeed, be the hardest case in the world, when a man had been ballotted for that service, and had been compelled to go to a distance from his family and his home to defend his king and country, that he should be compensated, by being deprived of his right to vote for a member of parliament. He perfectly concurred in the expediency of the bill, but he merely contended that the difficulties were not so light as was imagined. With respect to the comparative value of money, he agreed with the hon. gent. that a qualification of 600*l.* a year was sufficient for a county member. He should think the qualification sufficient had it been less. But it should be recollected, when the depreciation of money was argued upon one side of a question, that a hundred years ago the difference of the value of money, from the present time, though not so great as between the present time and the reign of Henry VI, was yet very considerable. On the principle which had been argued by the hon. gent. therefore, these qualifications should be raised; he was however, of a different opinion. This matter should certainly be put so clearly out of doubt, as to relieve committees from any hesitation in their decisions. The hon. gent. had said, that if a candidate asked his equal to drink a glass of wine, it could not be deemed a bribe, but that it might if offered to a poor man. He had added, that committees would be the judges of these and similar circumstances. But were there no intermediate ranks between the gentleman of fortune and the poor man? And would it not be most unseemly to excite enquiries into the probability of such or such a man's being influenced by a consideration of that nature? He was decidedly of opinion, that the subject should be settled, but it must be without virtually or directly disfranchising any considerable number of voters. If this object could be accomplished, the bill should have his hearty support.

Mr. *Tierney* explained. All he wished was, that the law should be distinctly established, but in doing this, it was his earnest desire to prevent the possibility of any man's being disfranchised. What the right hon. gent. had said of the hardships which a soldier would incur in being deprived of his elective practice was certainly true. For this, and similar cases, an adequate remedy might be applied. He only hoped that the bill would not be rendered obscure or ambiguous, but that this broad principle should be generally established, namely, that every voter should vote at his own expense.

Mr. *Lee* gave great credit to the hon. gent. for the excellence of his intention, and for the clearness with which he had explained it, but agreed with the right hon. gent. under him (Mr. Fox), that the difficulties in the way were considerable. Without a great many safeguards, the result of the bill must be the disfranchisements of some thousands of electors. If it were rendered impossible for a man to vote except by making a journey, the expense of which he could not afford, it would be much the same thing as depriving him of his right altogether.

Sir *Robert Buxton* wished only to advert to one statement that had been made by the right hon. mover. He had said that the voter exercised his right for his own pleasure; now he had always conceived that he exercised it for the benefit of the public at large.—The question was then put, and leave was given to bring in the bill.

[AFFAIRS OF INDIA.] Mr. *Johnstone* rose, pursuant to notice, to move for copies of two letters written by lord Cornwallis to the court of directors; as also of a letter from sir George Barlow, his successor in the government of India. He disclaimed any personal animosity to the marquis Wellesley, or any wish to bring charges against him, but he thought it was necessary that the house should at length turn its attention to the mode in which India had been for a long time governed, and that the members should compare the system of lord Cornwallis with that of his predecessor, and make up their minds on the subject. As for his part, he felt that the empire was indebted to the marquis Wellesley for so much of his system as established our military reputation and ascendancy in India, but he highly disapproved of the lengths to which that system was afterwards pushed, when, under pretence of defensive war, all the native powers of India were forced to receive British garrisons, and were kept in greater subjection in their own capitals, than the kings of Whirtemburgh and Bavaria are at this moment by the emperor of France. Under vague pretences, a great part of the territory of our ally, the nabob of Oude, was wrested from him, and the possessions of the nabob of Arcot were seized under the pretence of treason, said to have been committed by that prince almost under the eyes of lord Cornwallis. Highly as he disapproved of that part of lord Wellesley's system, he by no means meant to bring any charge against him on that account, as he could not impute to him any improper motives. He only considered that his lordship was possessed of too ardent a mind, and views of too great ambition. He hoped the house would recur to their former resolution, and that that would be for the future the established system of Indian government. Under the former system, a noble lord (Castlereagh) had often expatiated on advantages that were to result from it, but which promises were never realized; whereas, on the other side, it appeared that the real situation of our affairs in India has become so distressed, that 200,000*l.* have been stopped from the treasure destined for China, and 50,000*l.* borrowed from the government of Madras to help to defray the arrears of pay to a number of irregular troops, which are kept up at an expence of 60,000*l.* per month, and whose support is stated to be much more injurious to the company than their hostility in the field could possibly be. The hon. gent. then took a review of the various treaties entered into by the marquis Wellesley, with the native powers, most of which he thought highly impolitic. A very short time after the treaty with the rajah of Bhurtpore, that prince admitted our enemies into his fortresses, and the British army lost above 3000 men in vainly endeavouring to take his capital. The treaty with Scindia he equally disapproved of. Some disputes had arisen about the construction of some of the articles of that treaty, and Scindia immediately seized and imprisoned the British resident in his dominions, which was the occasion of the present war in India. He thought it was full time for parliament to lay down some fixed principle, and he hoped the right hon. gent. (Mr. Fox) would consent to the papers he now moved for, and would pursue, in practice, those principles which he had so often professed on Indian affairs. He thought it necessary, that the government should now declare the precise plan, on which they meant that India should be governed in future. The hon. gent. concluded by moving for "copies of letters from lord Cornwallis to the court of directors and select committee, dated 1st Aug. 1805, and to the court of directors, dated 9th Aug.: 2. Copy of a letter from sir George Barlow to the chairman, dated 6th Oct.; and copies of letters from lord Cornwallis to Scindia and lord Lake, dated 18th and 19th Sept., and enclosed in sir George Barlow's letter: 3. Copy of a letter from sir George Barlow, dated 23d Oct."

Mr. Secretary *Fox* said, that he had no intention whatever to object to the production of the papers moved for, although he must observe, that his hon. friend did not appear to him to have stated any necessity or parliamentary ground, upon which they ought to be laid before the house. As to the hon. gent.'s allusion to the propriety of a declaration on the part of his majesty's ministers, relative to the system of government meant to be acted upon with regard to India, he was at a loss to conceive any reason upon which that demand could be justified. No disposition was manifested to deviate from the course which was now pursuing respecting India; and until such disposition should appear, he apprehended that it was quite unnecessary in ministers to make any declaration upon the subject. Indeed, it seemed to his mind that, according to practice, some resolution should be adopted by the house, expressive of its opinion and wish, before ministers were called upon to enter into the question. The hon. gent. had alluded to the opinions formerly delivered by him, relative to the government of India. To these opinions, he could assure his hon. friend, that he still completely adhered. They were declared above 24 years ago; and as far as he had since had opportunity of observing the affairs of India, to which, perhaps, he had not attended as much as other men had done, or as much as he ought, he had never seen or heard of a transaction which served to weaken the confidence he entertained in the justice of his original opinions, but which did not rather tend to their complete justification. However, an act had passed in consequence of the resolutions upon the subject of India, which he had the honour of supporting. That act had been now proceeded upon for a series of years, and when the subject should be regularly brought forward for discussion, he would be perfectly ready to state his sentiments respecting it. At present he should only say, that under that act, a board of controul had been appointed, and of all the boards which had presided over the government of India, he saw least ground to question the intentions, or to ask explanations as to the views, of the present, by whom every disposition was shewn to follow the course prescribed in the resolutions formerly adopted by the house, and of which the hon. mover professed to approve. No one could doubt the propriety of entering into an investigation of the affairs of India: but the present did not appear to him to be the proper time. When the India budget shall be brought before the house, his hon. friend was aware, that the statement to be looked for on that occasion, would naturally be connected with the political system of India, and that then would be the proper time to select for a full discussion of that subject. The right hon. gent. repeated his disinclination to oppose the production of those papers, although no adequate reason was assigned by the mover, although no intention was announced, proposing an enquiry, or of grounding any proceeding upon them. At the same time he took occasion to remark, that he could not conceive any good reason for the alarm and anxiety which was, by his hon. friend, and by other friends, for whom he had a high respect, so particularly stated to prevail with regard to the government of India. It really appeared to him very strange, that a much greater degree of jealousy should seem to apply to the present board of controul, than to that which preceded it.—Upon the whole, the right hon. gent. did not feel the propriety of calling upon ministers for any distinct pledge as to the course of policy which they meant to follow with regard to India. No intention appeared to exist, either on the part of his majesty's government, the board of controul, or the court of directors, to abandon the course of which all sides of the house expressed their approbation; and therefore no pledge was requisite. If any variation of circumstances should call for a change of system, an explanation would of course become necessary. But in the present instance he did not think that any further explanation or pledge could be fairly required.

Mr. *Hiley Addington* concurred with what had fallen from the right hon. gent. (Mr. Fox): he did not see that any necessity had been shewn for the production of the papers which had been moved, but at the same time he saw no objection to their being produced, especially as the contents of them were already pretty public, and as the hon. mover had, in his speech, read a long extract from one of those letters (which, as an East-India proprietor, he had seen) be thought that it would be the best way to produce the papers, in order that the whole of the letters might be before the house instead of a partial extract. He, as a member of the board of controul, had considered those treaties on which the hon. mover had made so many observations; and he viewed those transactions in a very different light. As to that with the Rajah of Bhurtpore, it would not be fair to charge the failure of the treaty upon the maker of it. The failure was owing to the unexampled treachery and perfidy of that prince, and not to any improper conduct in Lord Wellesley, who concluded the treaty with him. He sincerely gave the hon. mover the greatest credit, for the motives which had induced him to bring forward the present motion, and was sure, that it was not at all dictated by any personal animosity to marquis Wellesley. He hoped he might also obtain credit, when he stated, that it was from public motives alone, that he was averse to prejudging any part of the conduct of lord Wellesley, which, on a future day, would come before them more regularly for discussion.

Mr. *Charles Grant* allowed, that the system pursued by lord Wellesley, was, as a military system, very splendid, and attended with many advantages. But he could not think that a fit system for tranquillizing India, the effect of which had been to involve us in quarrels with all the native princes. In order to procure the re-establishment of the pacific system, the court of directors had with all their exertions promoted the return of lord Cornwallis to India. This nobleman's death was much to be lamented, but there was no doubt that his successor would follow up his plans. He was happy to hear this system was to have the support of his majesty's government. With respect to the measures of lord Wellesley, the court of directors neither approved of them, nor was aware of them till they were carried into effect. He thought that the name and character of sir George Barlow ought not to be called in question, because he was not here to defend himself.

Mr. *Huddlestone*.—I rise, sir, to support the motion, and shall endeavour, as briefly as I can, to state the views in which I think it of importance, that the papers moved for should be laid before the house. The usual argument of danger to the public interest from the disclosure of papers, is effectually done away with respect to Indian papers by those which have been already published, and most especially by the late intercepted letters which have been published, both in France and in this country, in which whatever can either inform or irritate our implacable enemy is laid open to his view. After that complete developement, I apprehend no one will talk of danger to the public interests, from the disclosure of any India papers; but, with respect to those now moved for, I am of opinion the disclosure of them, instead of producing mischief, will tend to correct the mischief which the publication of the late intercepted letters was calculated to produce, by destroying the hopes which the enemy must have indulged, of our persevering in a system that was leading us to ruin. And here, sir, the production of these papers will be of solid benefit, by shewing the true nature of that system, stripped of these ornaments and decorations which dazzled the eyes, and, for a time, led captive the understandings of good and able men in this country. They will shew, upon an authority which no eloquence can gainsay, the real value of that for which so tremendous an expence of blood and treasure has been incurred. With respect to the executive body of the East-India company, I have no hesitation in confessing, that I am glad these papers have been moved for, and by an hon. member who is unconnected with the court of directors. It is true another hon. member, who has given more attention to India affairs, perhaps, than any other person, and who has brought to the subject talents proportioned to its magnitude, has declared the India directors free from any blame for the existing evils. But these papers will shew that the directors have been as anxious to terminate those evils as they could have been if they had themselves been the authors of them; and they will give the house the satisfaction to know, that much was done towards the termination of them, even in the few weeks that lord Cornwallis was spared after his arrival in India. They will enable the house to appreciate the great services rendered by his lordship, even in that short period, and they will shew how and by whom those services were procured. These papers will also have the effect of removing all doubts as to a fact, of which I have heard, with surprise, that doubts have been expressed in this house, namely—that the Mahratta war has been the great preponderating cause of the present deranged state of the finances of the East-India company. Not the only cause, I admit: for, the same system which gave birth to the war, gave birth to a system of finance and expenditure which would nearly have absorbed the whole revenue, even on a peace-establishment. But when war was added to the scale, it was impossible for the finances to bear up under the accumulated weight. These papers then, sir, will shew that the present financial difficulties of the East-India company are among the serious evils occasioned by the late system; a system of which I question only the wisdom, not the intention or integrity of mind with which it was undertaken. I can also, as well as the hon. gent., with the utmost sincerity, disclaim any motives of personal ill-will to lord Wellesley, and whatever may prove to have been the object of calling for a great variety of India papers, I concur entirely with the hon. mover of the question, that it is extremely desirable that parliament should come to some resolution that should re-establish the principle unanimously adopted and declared by this house in the year 1784. The papers in question will shew, that a change of system, in India, is both resolved and entered upon; but the transactions of the three past years, and the death of the marquis Cornwallis, may make it difficult to induce a belief that the change is sincere, or likely to be permanent; painful experience has wrought the conviction here, which reason and argument failed to produce;—that if India is deemed worth preserving, the system and principles of that great man whom the whole Indian world is now lamenting, must be followed up; and faithfully to adhere to his policy, was the only true wisdom for governing India; and its wisdom consisted in its simplicity, in its justice, moderation, and forbearance, alike to the strong and to the weak, alike in success and under adverse fortune. Had the marquis Cornwallis remained in India, instead of coming home, after his first administration, the most sanguine expectations of advantages from India would have been realized, and that for which we have contended at such dreadful hazard and expence, would have been forced upon us by the affections of the people. The British government would have been voluntarily looked up to as the universal umpire throughout India, the dispenser of peace and happiness through regions larger than the whole extent of Europe.—I am anxious then, sir, for a resolution that should pledge this house in favour of the system and principles of the late marquis Cornwallis, and bind all our future governments in India to emulate his example. And if an hon. gent. below me (Mr. Francis) would permit me, I would call upon him to bring forward such a resolution, or to renew a proposal which he brought forward last session, and which was then unhappily rejected.—I say unhappily rejected, because I am persuaded that that resolution, had it been carried, would have proved of great importance, by strengthening the hands of lord Cornwallis, and enabling him to shew the Indian states, that the principles on which he professed to act, were not his only, but those of parliament and the country at large. Sir, it was a resolution directly in the spirit of that great man, on the re-appointment of lord Cornwallis to the government general, to which his majesty's ministers had just given their sanction. And I therefore witnessed, with equal surprise and concern, the exertion of that transcendant eloquence which prevailed on the house to reject it; how often that eloquence was exerted for the welfare of the country, no one can be more sensible than I am; but, in this instance, I shall ever think it was misapplied.—I rejoice in the belief that his majesty's present ministers have not entangled themselves in the mazes of the late system, nor been deluded by the splendour and glare attached to it. I have heard with pleasure the sentiments delivered this evening, by a right hon. gent. (Mr. Fox). I recollect with pleasure the sentiments delivered last session, by a right hon. gent. now high in his majesty's councils. I hope and trust that right hon. gent. and his colleagues will now act up to them, and if they do, much may yet be retrieved. In the present moment, which I believe to be not less awful in respect to India than Europe, nothing—no individual measure, could produce more salutary effects, than a resumption of the discarded principles to which I have alluded. And the hon. gent. who brought forward the resolution last session, might now offer it under happier auspices. I owe it to myself, as well as to that hon. gent., to declare that I concur in almost all I have heard that right hon. gent. deliver in this house on the affairs of India; his view of the whole subject is that, which, without any conversation with him, my mind has long taken; and whether he be a friend to the company or not, of this I am sure, that the most determined friend of the company could not have offered opinions and advice more friendly to their interests than those which I have heard that right hon. gent. deliver in this house. It is in reliance on that friendly disposition towards the East-India company, that I have presumed to urge him to renew his proposition, and my apology must be the perception which I have, in common with him, of the calamities which have followed our departure from the wise principles which it was the object of the proposition to enforce. And I hope the house will accept the same apology for my trespassing so long on their patience. Few other subjects could overcome my reluctance to such an intrusion.

Mr. *Paull* denied that the failure of the treaty with the rajah of Bhurtpore was owing entirely to the treachery of that prince; and read an extract from a letter of lord Wellesley, written in the month of Oct. 1803, which shewed that his lordship had a high opinion of him. He took notice of the appointment of sir George Barlow, as a proof of the acknowledged necessity of changing the Indian system.

Mr. Secretary *Fox* requested the indulgence of the house, merely to state, in allusion to what had fallen from the hon. director (Mr. Grant), that his majesty's ministers did not, in the appointment of sir G. Barlow, mean to pledge themselves to the pursuit of any particular system of government in India. The fact was, that the appointment of the hon. bart. referred to, for whom he entertained a high respect, was made even before the present administration was fully formed, in order to prevent the inconvenience of any interregnum in India.

Lord *Temple* declared, that he would not have said a word about the transaction of Bhurtpore, were it not for an extract having been read from a commendatory letter, written by lord Wellesley at the time that he entertained a favourable opinion of the rajah; but, in a very short time after, he detected a correspondence of his with Holkar, for the purpose of forming a project to drive the English out of India. He pledged himself to prove, when the discussion came on, direct treachery on the part of that prince; and that the ruin of Holkar was only prevented by his lending him the cannon of the fort of Bhurtpore, at the time that he was himself in alliance with the company. He begged of the house to suspend, till the discussion came on, their opinion of the conduct of the noble marquis, which was approved of by the secret committee of the court of directors, whose orders he was bound to obey.

Mr. *Francis.*—Sir; Before I begin what I intended to say on the present motion, or rather on some collateral subjects connected with it, I beg leave to take notice of a passage in the latter part of the speech of the hon. director on the other side (Mr. Grant). He said that the name and character of sir George Barlow ought not to be called in question, because he was not here to defend himself; much less was it just or decent to canvass the merits of any man by anonymous publications in the newspapers. That he was a person of long standing and great merit in the company's service; that, on this ground, he had been confirmed in the office of governor-general by an unanimous resolution of the court of directors, confirmed and ratified by a most deliberate and most solemn act of his majesty's present government, which he had no reason to think was not the act of the whole administration. At all events, he was now fixed in his office by concurrent resolutions of all the lawful authorities of this country. That he ought to have fair play; that his merits should be tried by his future conduct; and that, on no account, would it be just to condemn the said sir George Barlow unheard; with many other general topics of the same. Now, sir, I desire it to be observed, that though this gentleman's name and merits have been repeatedly introduced in this house, they never were mentioned, much less have they ever been canvassed by me, either here or any where else; and for a very good reason; because I myself know nothing about him. In that question I have no personal interest or information, nor a concern of any kind. What I have heard of his conduct in office, from pretty good authority, is certainly not in his favour. My information comes to me, in various ways, from the India House, and nominally from some gentlemen in the direction, who, till very lately, made no secret of their opinion. Now I would ask the hon. director, a few plain and, as I think, parliamentary questions on the case in hand, if he will allow me that freedom. Do the court of directors, does he himself approve of lord Wellesley's proceedings?—of what part? and to what extent? Or do they and he condemn those proceedings, without any saving clause, without a reserve or a qualification of any kind, excepting perhaps the second war against Tippoo Sultan? If he answers this last question in the affirmative, as I am sure he will, I then ask him what was the conduct of sir George Barlow, who stood next to the governor-general, and was the first in his council? Did he ever oppose or even remonstrate against any one act of lord Wellesley's government, good, bad, or indifferent? Did he not vigorously support, did he not heartily concur in all those acts? Did this conduct of sir George Barlow entitle him to the approbation of his hon. employers, or did it meet with their severest indignation? But now he is immoveably fixed in his high station, and we ought to look forward. I think so, not generally, but in this special case, because it will not bear a retrospect.—As I perceive that the motion made by my hon. friend is not to be opposed, I shall content myself with saying that I should vote for it on the same general principle on which I have always acted. And indeed, how is it possible, that this particular motion should be resisted? The papers in question have been made public by the court of directors. They have been communicated to a general court of proprietors, and laid open to the inspection of every individual owner of India stock. Can the intelligence contained in such papers be called a secret? or is the house of commons alone unfit to be trusted with it? Why, sir, a most material article in this intelligence is already in print. I have read this day in a newspaper, an extract of a letter from lord Cornwallis, dated the 9th of August 1805, in which he tells the directors, "that an enquiry into the state of "their finances afforded the most discouraging prospect; that, unless some very "speedy measures were taken to reduce "their expences, it would be impossible "to meet with effect the contingency of "war; that the most burthensome and "least useful part of the existing military "expences arose from very numerous "bodies of irregular troops, entertained "at an expence of near 60,000*l.* sterling "per month; who, if dismissed, would be "less formidable to us in the field, than "while they remain so distressing a drain "upon our finances! At this period, "your regular troops are little short of "five months, and many of your public

" departments, on which any movement " of your armies depends, still more in " arrear!" The only expedient which occurs to his lordship for relief, is " the " detention of the treasure destined for " China, viz. 200,000*l.* and strongly to " urge the government of Madras to spare " 50,000*l.* of the specie allotted for the " service of that presidency." This is bad news certainly, and impossible to be concealed. Or would it mend the matter, if you were able and willing, to suppress it? I shall vote, I say, for this motion on the same general principle, on which I have always acted, and which has been professed by persons of greater authority, full as explicitly as by myself, I mean by the board of controul, ever since its institution, and particularly by Mr. Dundas and lord Castlereagh at all times. Their avowed principle, with regard to all Indian transactions or concerns, was publicity. They courted, they invited discussion. On these subjects, they were quite delighted to have their accounts examined, and their opinions sifted to the bottom. Nothing could exceed the good humour of Mr. Dundas, or the politeness of the noble lord. They always appeared to listen to me with an air of civility and sometimes, I confess, with an appearance of attention. But I hope no man suspects me of the vanity of presuming that they ever paid the least regard to any thing I said. I am sure they will both acquit me of having ever interrupted their Indian repose for one moment. For my own part, sir, I have no idea of what can be seriously meant by an Indian state secret. As to an European enemy, they are full as well informed as we are; sometimes much sooner, and much better. But perhaps the papers printed for the use of the house of commons, and our debates on the contents, may be carried back to India, may be read by the natives, and either alienate the princes of that country from us, or furnish them with dangerous information. Now, sir, I remain to be convinced, that, out of Calcutta and above the rank of a Banian, there exists a Hindoo a Mohammedan, or a Mahratta, who ever did or could read, I believe I might safely add, who ever heard of an English newspaper. But, were it otherwise; the distance alone would make the publication of any opinions in England, on any given transaction in India, utterly useless and indifferent to those princes, who might have been originally most concerned in it. Observe the case as it always is, and more, or less, as it always must be. An act done ten or twelve months ago, many hundred miles north-west of Calcutta, falls under the consideration of this house. After many adjournments, and sundry debates too, either here or at the India house, some rapid resolution is taken in three or four months. Another year carries back the echo of the first intelligence from London to Lucknow, to Agra, to Delhi, to Ugein, or to Nagpour. Why, sir, long before it is possible for the act or resolution here to reach its destination, a brilliant victory has put an end not only to the original question, but to all the adverse parties concerned in it. The survivors, if any are left, and if any of them can read English, may find a sufficient consolation, where they are not very likely to look for it, in the English newspapers, namely, that all such proceedings are severely condemned by the British parliament; I ask pardon of the house: I am ashamed of arguing these absurdities any longer. The only imaginable case, in which it might be dangerous to publish any information, would be a return of the state of our military force in India, supposing it to be weak in numbers, or otherwise unprepared for service. Not that I believe that even such a publication would tell the enemy on the spot, much more than he might easily have known without it. But is it possible that a member of this house, that any but a fool or traitor, that any man in his senses would offer such a motion? And, if he did, could such a motion prevail? Would the house suffer it to pass? Would they endure to hear it proposed? I put the case only as applied to an army greatly reduced, and actually weak or unserviceable. For otherwise, if the army in India were strong and complete to its establishment, and as well equipped as it ought to be, I am not at all satisfied that there might not be an advantage in making it known to our enemies on the continent. It might probably deter them from attempting to disturb us in India. Sir, I will not descend so low as to disclaim any idea of personal enmity to lord Wellesley, or to admit the possibility that such a disclaimer, on my part, should be necessary. I defy the acutest human sagacity to assign a rational motive, of any kind, for such animosity. But, without a ray of wit or wisdom, it is easy enough to discover a very sufficient motive, which might have induced me to take an opposite course. Setting aside these low as well as useless personalities, what has been the general current of the debate this night, with only one exception? Has it not run entirely on the rectitude of the principles exclusively attributed to lord Cornwallis, and the merit of his conduct acknowledged by all men? Why? Because the principles and the conduct, so universally approved, were in direct and irreconcileable opposition to those of lord Wellesley, whose acts were cut down, whose whole system was subverted root and branch, without reserve, without even the form of a personal palliation, by his noble successor. Now I appeal to the honour and to the justice of the house, and of every man who hears me. What do all these acknowledgments of exalted merit in lord Cornwallis, and all this approbation of his conduct amount to, but an admission, nay much more than an admission, a positive parliamentary assertion, that, from first to last, every thing I have said and done about India was right? Is it possible for the court of directors, or for my right hon. friend (Mr. Fox) to concur in the principles, and to applaud the proceedings of lord Cornwallis, and not to condemn lord Wellesley? Those extremities can never meet. No human faculty can reconcile such contradictions. To endeavour to trim or to balance between them would be as useless and ineffectual as it would be criminal and contemptible. I shall now, sir, request the benevolent attention of the house to a short digression, by no means unconnected with the subject of this debate, though relating immediately to myself and to my own situation. It is the only return I shall ask, for a faithful service of thirty years in this department; because it is all that I expect to receive on that account. I hope the house will hear me with indulgence; and the rather as it will probably be the last time, that I shall ever address you on any interest of mine connected with the subject of India. I state it then as a narrative merely, and not to revive any former argument or difference with any man, that I passed six years in Bengal in perpetual contest and misery, and finally with the imminent hazard of my life. For the truth of this assertion, I appeal to the testimony of the hon. chairman of the court of directors, who was on the spot and knows the facts. —Then a wretched passage of ten months to England; and, from that time, a continued labour and perseverance of two-and-twenty years in the same unprofitable course, unsupported and alone, without thanks or reward, and now without hope. By endeavouring, through that long portion of my life, to maintain, as I thought, right against wrong, I have incurred many enmities, and secured no friendship; I have sacrificed my happiness and my repose, and forfeited every prospect of personal advantage. Have you a doubt on this point? Look at the state of dereliction, in which I am left. I make no complaint of what is past: but I have a right to pause, and consider how I shall proceed hereafter. I have done so. I have considered my situation, and I have made up my mind upon it. It is for others to weigh the probable consequences and natural effect of the example, now in their view, upon the public service not only in India, but in every other department. What practical lesson does it inculcate, but simply this; Take care of yourselves? I do not know that the instruction was much wanted; but I am sure it will not be neglected. My deliberate intention is to withdraw myself generally from the discussion of political questions purely and properly Indian, and not involving any immediate British interest; and specially not to take an active part, much less a lead in the impeachment, prosecution, or censure of any Indian delinquency whatsoever. This intention concerns nobody but myself. I make no contract with any man, and I hold myself completely at liberty to depart from it whenever I think proper. This, sir, is not a resolution wholly new in me, or suddenly taken on the present occasion. That principal part of it, which relates to the invidious though meritorious office of a prosecutor, as I still think it, was taken long ago. I will never be concerned in impeaching any body. The impeachment of Mr. Hastings has cured me of that folly. I was tried, and *he* was acquitted. In all the late proceedings concerning lord Melville, I have never uttered one word; though, considering the contest and contradiction in which I stood against Mr. Dundas in this house for twenty years together, it cannot be denied that I had spurs and provocations enough, if I were capable of yielding to such motives, to stimulate me to take part in the impeachment of lord Melville. Nor will I now concern myself in any proceeding to prosecute or censure lord Wellesley. On the subject of his administration I have already done all that I meant to do, and more than I promised. What I said, was in my place. What I have written, is on record. I do not think that, on the whole, my speech on the 5th of April, 1805, was ill received by any man. In particular, I do believe that, generally at least, I had the concurrence of the eminent person and most eloquent minister, who is gone. He sat opposite to me. He gave me a fair uninterrupted attention, and, as I thought, with many expressive though silent indications of assent. It is indeed to be regretted that he yielded to the noble lord on the other side (lord Castlereagh) in setting aside the motion of that day, though neither of them thought fit to contradict it. They, who are disposed to enquire what I really meant by that proceeding, and to do me fair and honourable justice, are requested to consult the record. I said expressly that "the motion, with which I should "conclude, was not directed to personal "accusation or to parliamentary censure. "My purpose was to do a public service; "not to criminate, but to correct; by engaging the house of commons to revert "to their principles, to avow them once "more, and to adhere to them hereafter." I thought it would have strengthened lord Cornwallis, and assisted him essentially in his endeavours to satisfy the minds and to recover the confidence of the Mahratta chiefs and other princes of India. For though I believe that his name, and their opinion of his personal character might have gone a great way in reconciling them to the British government, still it would have been a powerful auxiliary argument in his hand, if he had been specially commissioned by the house of Commons to declare to them, in the name of his country, that he had a security to offer them, which would not perish with him; that the principles he professed, and the pledge he gave them for their future tranquillity, were not confined to the life of any individual. They were the permanent principles and the irrevocable pledge, by which the legislature of Great Britain had declared they would be bound for ever. I agree with the hon. director (Mr. Huddlestone) in lamenting that so useful and inoffensive a proposition should have been rejected, and that so favourable an opportunity of applying it should have been lost. But while I acknowledge and thank him for the kind and honourable terms, in which he has been pleased to address me, I cannot accede to his request. I cannot say more than I have done in favour of the motion, which he wishes me to revive, and I will not expose it to the hazard of a second rejection. A similar motion could not be resumed by any man with greater propriety than by himself. Whoever makes it, shall have all the support that it is in my little power to give him. On another point the hon. and worthy director is perfectly right, and has done justice to my opinion. I should be happy if I could impute any part of the honour he has done me this night, to personal friendship. My acquaintance with him is too slight and of too late a date to intitle me to any claim of that kind. He says that "I have declared the directors free from any blame for the evils existing in India." It is true. In the transactions, to which my opinion refers, the court of directors, as such, are not parties, and are not to be condemned. They are not merely passive, but, as I have reason to believe, most studiously and constantly kept in the dark. The political power of the court is in fact confined to a select committee of three, who alone are intrusted with the state secrets of the company, and who deliberate and transact with nobody but the president of the board of controul. These two powers keep faith with one another; that is, they observe a profound silence not only to the public, but even to their colleagues in the direction, until the secret bursts of itself with ruin on their heads. The noble lord near me (lord Temple) who, I perceive with sorrow, is not so lavish as he has been heretofore, in favouring me with the title of his hon. friend," declares that lord Wellesley has acted always, as to the great points in question, under the orders or instructions of this secret committee. It may be so. The house of commons have no knowledge of the documents the noble lord alludes to; nor have I ever seen a single line of them. If lord Wellesley has such orders to plead, undoubtedly he will produce them in his own justification. Until I see what they contain, I can say nothing on that subject. With respect to the declaration, which I have made this night, I wish to add a few words before I conclude, because it is of importance to me that my meaning should not be misunderstood. I am not, nor will I be, standing counsel for the company, or for the nation, on the subject of India. I have laboured too long, I need hardly say, without fee or reward, in that unthankful and most invidious office. Has any individual, or any party, has this house, or has the nation, a right to expect more of me? Neither am I able, if I were ever so well disposed, to continue this unavailing labour. My spirits are exhausted. My mind is subdued. And, if it were otherwise, my assistance now is not so necessary in this department as I have thought it hitherto. Several younger men with a spirit as high as their rank, and of great ability, are coming forward in this line. I congratulate the house and the country on this flattering appearance and promise on the part of the rising generation. They will do more than I could, and much more than supply the little place, which I have occupied. I hope they will not be discouraged by difficulties or by labour, nor even by the example that has been made of their humble predecessor. Above all things, I conjure this house once more, not to throw any discouragement in their way. I have stated my intention clearly; but, again I say, I am my own master, and I will give no account of my future conduct to any man. There is one view only, in which I shall at all times hold myself bound to attend to future proceedings in parliament on questions connected with the India company; nor is it possible for me to do otherwise, without abdicating the duties of my station in this house. As long as I have the honour of a seat in parliament, I shall watch and take care, to the utmost of my power, to prevent the finances of Britain from being ruined by those of India. I have now passed more than 30 years in endeavouring to support the lawful authority of the East-India company over their nominal servants abroad; to guard their rights, and to protect their property from ruin. I have laboured to preserve the peace of India, and to shelter the native princes of that unfortunate country from injustice, conquest, and oppression. In the execution of these labours I confess I have had no success, nor scarce a good word from any man: the only duty that is now left to me, the only chance I yet have of being useful either to this country or even to the India company, is to protect England not against the company, but against India and its government.

Sir *T. Metcalfe* read a passage from a letter of lord Lake to the governor-general, in which the treachery of the rajah of Bhurtpore was placed in the strongest light. That rajah had received one third more than his right of the country conquered from Scindia, and it was immediately after receiving that boon, that his treacherous connection with Holkar was discovered. As to marquis Wellesley, he knew little of him but as a public man; he had no hesitation to say, however, that he considered him as the greatest statesman that had ever been in India. Such a man exercising such talents for the public good, was rather hardly treated, when he was received, on his return home, with accusation instead of acclamation. He wished the noble marquis's conduct to be sifted, however; as, the more it was sifted, the more the result would be to his honour.

Lord *Folkestone* rose and said: Mr. Speaker; the hon. bart. (sir T. Metcalfe) below me, has in his speech renewed the charge just brought by the noble lord (Temple) below him, of treachery on the part of the Rajah of Bhurtpore. I will not at present enter into that transaction; because it is likely to be more fully discussed to-morrow, and is therefore now premature, and because perhaps I know less of the motion than I ought. But on the first blush of the business I must say, that the term treachery seems to be here most strangely applied. This rajah is a native prince of India, having natural connections with the country; we have none such, but are really invaders, seeking to establish a dominion and to acquire an empire. In these circumstances, if these or other native chiefs should take measures for preventing us, or for expelling us, it seems to me that it might be attributed to other dispositions than those of perfidy, and such conduct be called by another name than treachery. However, we shall hear more of this hereafter.—I should not, sir, have made this observation, if I had not been called up by something else which fell, in the course of his speech, from the hon. bart. He complains that my lord Wellesley's character is continually attacked by a side-wind; and of the ungenerous reception which he has met with on his return to this country. Now, it seems to me, I confess, very natural, and I am sure it is very competent, for members of this house, who have the good of the country at heart, to make the enquiries and to stir the questions, which the hon. bart. complains of. For when we consider what we have witnessed in the last 12 months, and what we now daily hear on the subject of India affairs; when we recollect, that lord Cornwallis was sent out to India for the express purpose of undoing all lord Wellesley had done, of overturning all his schemes, and putting an end to all his projects; when we observe too, the joy that has been expressed by all those most interested in India affairs, at the expectation that those schemes and projects are now put an end to, and never to be renewed;—when we observe that every person who has spoken in this debate, with the exception of the hon. bart and the noble lord, have joined in that expression of joy; it does not appear to me very extraordinary, that some enquiries should be made into the nature and plan of that administration, the termination of which is so great and so general a matter of exultation. But, sir, this is not all; the derangement of the affairs, and the exhausted state of the finances, of the East-India company are now confessed and allowed: and when we know that the company is now reduced to the necessity of coming to us to give them aid and relief, and we hear that they are most unwilling to bring any charge against lord Wellesley, and abstain, not because they do not condemn his policy, but because they think well of his intentions, it is not surprising that others, less placable than these gentlemen, should now and then in the course of debate express sentiments of disapprobation at his conduct.—The noble bart. says this is attacking the noble lord by a side-wind. I do not agree with him. I do not think it is fair to complain of so natural a proceeding. Sir; after the length to which this debate has run, I shall not add any more. I have been called up by the observations of the hon. bart. and I was glad to have an opportunity of noticing the universal expression of dissatisfaction from all sides of the house at the conduct of lord Wellesley.

Mr. *Charles Grant* rose to explain. With respect to sir G. Barlow, he observed, that whatever part he had taken in the measures of marquis Wellesley, was not inconsistent with the system he was now to pursue. The two Mahratta wars had come on so rapidly, that it was impossible to have any opinion upon them from this country. He was at present in possession of the opinion of his superiors, and had honestly declared his determination to act in conformity with it. Whatever other gentlemen might think upon the subject, he was himself convinced, that there was nothing dishonourable in the part that gentleman took in the measures of the marquis Wellesley's administration. The hon. director, before he sat down, said, he could not help bearing his testimony to the rectitude of the principles and conduct of the hon. gent. (Mr. Francis), not only in Bengal, but in England.

Mr. *Francis*, in explanation, said:—Sir, I am obliged to the worthy direct for the testimony he has borne to the rectitude of my principles and conduct, not only in Bengal, but in England, that is, with respect to the government of India, and the true interests of the India company. In fact, however, he has done more than I asked, or expected of him. The appeal I made to him, related solely and expressly to my labours and sufferings in India, and not to my merits at home or abroad. Of the former he was an eye-witness: no man has a higher opinion of his moral character than I have. On the facts in question, there cannot be a more competent witness, nor any human evidence less to be suspected.

Mr. *Wallace* was of opinion that the policy, the measures, and the whole of the system acted upon by lord Wellesley, were wise and highly beneficial, and when the subject came under discussion, he should be ready to state the grounds upon which he thought the services of that noble lord entitled him to the gratitude of the house and of the country.

Mr. *Johnstone* rose to express his thanks to the right hon. gent. (Mr. Fox) for consenting to the production of the papers. He was glad to find that the court of directors were disposed to support the present system begun by lord Cornwallis, and that his right hon. friend retained his former sentiments on this subject. He remarked upon the difference which was known to prevail as to the system of government which ought to be acted upon in India, between the opinions formerly expressed by some of the present ministers, and the course now pursuing in that quarter. He was glad, however, now to have the doubts which naturally rose out of the difference alluded to, completely removed by a declared change of sentiment.

Mr. Secretary *Fox* observed upon the logic and the prudence evinced by the last speaker. His logic, he thought, by no means just, and his prudence was certainly not laudable. For as to his logic, it did not follow that because gentlemen thought proper to adopt a certain line of policy, under certain circumstances, they would be subject to the imputation of inconsistency in pursuing a different line where those circumstances had undergone a material change; and as to the hon. gent.'s prudence, it surely was not laudable to press the charge of inconsistency upon any men who might shew a disposition to abandon opinions which the hon. gent. himself pronounced erroneous, and to adopt those which he professed to consider correctly right.—The several papers moved for were ordered to be laid before the house.

HOUSE OF LORDS.

Tuesday, March 11.

[Witnesses' Liability Bill.] The house resolved itself into a committee on the bill for Declaring the Law with respect to Witnesses being liable to answer.

The *Lord Chancellor*, in order that there might be no doubt as to the security of witnesses against being compelled to answer any question, the answering of which might subject them to penalty or forfeiture, proposed to insert the words "any penalty or forfeiture of what nature soever," instead of the mere words "penalty or forfeiture."

Earl *Stanhope* rose, and expressed his disapprobation of the bill before the committee, as a declaratory act. He expressed his hope, that, by subsequent legislative provisions, should the present bill be passed, his noble friend would guard against the mischiefs which might arise from such a measure. On this ground, however, he could not avoid coming forward and objecting to the bill as it then stood, and endeavouring to induce their lordships to divest it of its declaratory character. He was hostile to the principle of bills of that description; which, he thought, should never be passed by the legislature, except in very extreme cases. The occasion which he alluded to was, for instance, a violation of a principle of the constitution, such a case as was referred to in the preamble of the bill of rights, &c.; and such was the case of the excellent bill declaratory of the law respecting libels, proposed by a right hon. member of the other house of parliament. On that occasion, his noble and learned friend near him, (the chancellor), deserved the thanks of the country; he did not mean for his conduct with respect to the bill alluded to, but for what he had so nobly done to assert and to uphold the constitutional powers of juries. Except on some great occasion of the kind, he never approved of a declaratory bill. It was an engine by which a great deal of mischief might be done; through it the law of the land might be overturned, by its declaring that to be law, which was not law. The noble earl, in adverting, as an hypothetical case, to the return of members of parliament, through the influence of wealthy or powerful individuals, recited the anecdote of a late noble lord, who obtained the place he wished for, from the then prime minister, by threatening him, in case of a refusal, with the defection of his own support in one house, and that of his friends in the other. His brief and pithy answers to the arguments and representations of the minister, were, "There are seven of us! There are seven of us! Remember, there are seven of us!" Continuing his observations against a declaratory bill, he stated, that an actual majority of the great lawyers of the country were of such an opinion as to explode the necessity of such a bill as the present. He adverted to some opinions given by the late lord Mansfield, and among these, the case which gave rise to that recorded observation of his lordship, to the then Mr. Dunning; "if that be law, I'll burn my books." He adverted to the established compellability of pawnbrokers to give evidence, and adduced some reasons why horse-dealers should be considered in the same light. He liked not the idea of the present bill passing, to the imminent risk of that which he proposed; but, with a view of so far obviating the inconvenience to be apprehended, it would be better to pass his bill in the first instance. He adverted to some further cases, which, he conceived, tended to shew the probable inconveniences of passing such a bill as the present. He was, he observed, very stout in his opinions upon those points; he had read more acts of parliament than perhaps most lawyers, having perused all those from Magna Charta down to about fifteen years back. His lordship, towards the conclusion of his address, adverted to some farther cases; by one of which, stating it hypothetically, from the contingency of technical incorrectness in his answer, an individual might be destituted of his means of support. He repeated his hope, that the inconveniences which might arise from such a construction in the law, would be guarded against by adequate legislative provisions.

The *Lord Chancellor* observed, it would be better, had his noble friend postponed the discussion of his own bill, until it came regularly before the house; as to that he conceived the greater part of his observations to have applied. He did not altogether approve, on such an occasion as the present, of his noble friend referring to the authorities of dead judges, as well as the living; as, in all cases of the kind, the law must be decided by the actual judges of the time. There were cases in forensic practice, in which a counsel might, allowably, fortify his opinions by a reference to those of former judges; but, on such an occasion, a poll of defunct, as well as living luminaries of the law, so as to outnumber those of the living, who might be of a contrary opinion, was a doctrine to which he could not submit. Such proceedings would tend eventually to interfere with the judicial functions of that house. A proposition, that the law was so taken from the very beginning of the British constitution, to the present moment, was what he had never heard of. The law was to be taken, from the mouths of those appointed to deliver it; but a poll in the way his noble friend appeared inclined to adopt, would be as objectionable as a poll of departed peers, with respect to decisions in that house. Adverting to the objections against the bill itself, he observed, that in such a case as it applied to, a declaratory act was more peculiarly necessary, that is, where doubts existed; as, if such did not exist, there would be no necessity of declaring what the law was.

Earl *Stanhope* shortly spoke in explanation. He then adverted to the language of the bill, with respect to the term "lords spiritual and temporal." These descriptions, his lordship seemed to think, ought to be reversed, not only in the present, but in future bills, inasmuch as lords temporal, meaning princes of the blood, members of that house, had precedency of the very foremost of the spiritual peers, namely, the archbishop of Canterbury.

Lord *Auckland* deprecated an alteration of the kind, without the fullest and most mature consideration; deeming it far preferable to abide by the uniform practice of parliament, and to follow the example of their ancestors in such cases.—The question was then put, on an amendment as proposed by earl Stanhope, tending to do away the effect of the declaratory part of the bill, but which was negatived by the committee. Their lordships then agreed to the amendments proposed by the lord chancellor; after which the house resumed, and ordered the report to be received tomorrow.

Earl *Stanhope* moved, that the bill for the more effectual Discovery of Truth, be read a second time to-morrow, which was ordered accordingly.

HOUSE OF COMMONS.

Tuesday, March 11.

[Minutes.] Mr. Irwin, inspector-general of imports and exports, presented an account of all the duties on customs, charged and outstanding, on the 5th of Jan. 1805 and 1806 respectively distinguishing the permanent and temporary duties.—The Irish Clergy Residence bill was read a second time.—Mr. Tierney presented a petition from the debtors confined in the Marshalsea.—Mr. Alexander brought up the report of the committee on the American treaty act, and obtained leave to bring in a bill to continue, for a time to be limited, the act of the 37th of his majesty, for carrying into effect the treaty of amity, navigation, and commerce with the united states of America.—Sir Charles Bunbury presented a petition from the maltsters of the county of Suffolk; as did Mr. Mordaunt one from those of the county of Warwick, and of the county of the city of Coventry, praying relief from the restrictions imposed by the 42d of his majesty.—Mr. Rose presented a petition from the trustees of the British Museum, praying the annual parliamentary grant. Mr. Rose then moved, that there be laid before the house an account of the expenditure of the British Museum for the last year. Ordered.—The secretary at war brought up the Mutiny bill, which was read a first time.—Mr. H. Parnell was, on the motion of lord H. Petty, added to the committee for investigating the joint accounts of Great Britain and Ireland.

[Irish Catholics.] Mr. *Dillon* rose for the purpose of putting a question to the right hon. gent. opposite (Mr. Fox), with a view to learn the future intentions of that right hon. gent. with respect to the claims of a large portion of his majesty's subjects in Ireland. In doing this, he was not actuated by any wish to embarrass his majesty's ministers, or by motives of idle curiosity. Rumours had gone abroad of a very extraordinary change of sentiments having taken place in certain quarters, on the subject of the claims of the catholics of Ireland. It was also rumoured, that the great body of the catholics had acquiesced in this change of opinion. It was of the utmost importance to the tranquillity of Ireland that this subject should be set at rest one way or the other, and he trusted the right hon. gent. would relieve him from his suspense on the subject.

Mr. Secretary *Fox* spoke to the following effect: Really the question of the hon. gent. is so extremely vague that I cannot pretend to answer it, for I confess that I do not distinctly understand it. The hon. gent. has talked of some rumours afloat as to an alteration of opinion respecting the catholics, among those who formerly supported them; but as I do not know to whom he alludes, I cannot give him a precise answer. But with regard to the rumour that the catholic body have acquiesced in the reported alteration respecting their claims, I should rather ask the hon. gent. himself upon that point. So far as I am concerned in this question, whenever it comes under discussion, I shall be perfectly ready to state my opinion, and all I think it necessary to say as to my future conduct is to refer to a consideration of my past. I cannot, however, hesitate to state, that if any gentleman were to ask my advice as to the propriety of bringing forward the catholic claims at present, I should recommend him to take into consideration the prospect of success, and the greater probability of succeeding this year or the next; at the same time to bear in mind the issue of last year's discussion. In the part which I took upon that occasion, I was actuated by the strongest sense of duty—but at present I do not feel myself obliged to say any thing more upon the subject.

[AFFAIRS OF INDIA.] Lord *Ossulston* rose to make his promised motion with respect to the Debt of the East-India company. After some preliminary observations, his lordship stated, that in the year 1793, it appeared that the debt of the East-India company bearing interest, was about 7 million, which it was proposed to reduce to 2 million; that in order to do this, a power was given, by the act of 1793, to the different presidencies in India to grant bills in favour of the creditors of the company on the court of directors to the amount of 500,000*l.* annually, and no more, for the purpose of transferring or, in other words, liquidating this debt; that is to say, it being determined to be a matter of policy and expedience, that the debt should be reduced, in order to carry this into effect in the manner the most beneficial to the company, instead of applying to this purpose so much of the surplus revenue in the first instance, the whole of that surplus was allowed to be laid out in an investment, out of the profits arising from the sale of which, the court of directors were to set apart the sum of 500,000*l.* annually to answer such bills as should be drawn by the government in India to the amount and for the purpose specified in the act.—That since this year 1793, it appeared that bills had been drawn to the amount of not less than 8 millions. Whether they had been granted to the creditors of the company, and had therefore gone in liquidation of the debt, he could not say; if so, the only difference would be that, in that case, the amount of debt contracted would be by so much the larger than would otherwise appear to be the fact; but so it was, that so far from the debt having been actually reduced, it had swollen from 7 to nearly 30 millions; and of this 30 millions he was further informed, (to ascertain which, was the object of his motion,) that a considerable part, he was afraid to say how much, had been contracted upon terms which entitled the holder of the loan to go to the treasury at Calcutta, and receive, on demand, bills upon the court of directors payable 12 months after date according to the mode in which bills are usually drawn from India.—That this was the case, his lordship said he had no manner of doubt. He had heard it from authority which he could not question, and it had been admitted by every one with whom he had conversed on the subject. He was moreover confirmed by a publication which he held in his hand, the Calcutta Monthly Journal for the month of May, 1805, in which, as well as in many others of different dates, he found a regular Government Notification of a loan in which this condition is distinctly stated. After saying that "the public are hereby informed that the sub-treasurer at the presidency, &c. have been authorized to receive any sums of money," &c. it goes on to say, "the principal of the promissory notes shall be payable either in Bengal under the rules established for the payment of the register debt now existing, or by bills to be drawn by the governor-general in council, on the hon. court of directors; which bills shall be granted at any time on the application of the proprietor of the notes, either when the principal shall have become payable in Bengal, or at any earlier period."—Taking for granted, then, that this has een the mode of proceeding, the next question was, whether it has been with or without the authority of the court of directors?—If without their authority, it was as far as he could understand, though it was not the question of law, but the matter of fact which he wished to establish, directly in the face of the 110th clause of the act of 1793, which provides, "that nothing in this act shall extend to authorize any of the governments in India to grant bills for the purpose of transferring or remitting the said debts from India to Great Britain, to become due and payable within any one year, exceeding in amount the sum of 500,000*l.* unless by the special order and authority of the court of directors of the said company, for that purpose first had and obtained."—To issue, therefore, promissory notes exchangeable at the pleasure of the holder for bills on the court of directors, provided the amount of such promissory notes exceeded the sum of 500,000*l.* in any one year, he contended to be against the express provisions and meaning of this act. Without, therefore, the authority of the court of directors, this proceeding was illegal; if it was with their authority, which it was impossible to believe, he should be at a loss how to reconcile it with the duty they owed to their constituents the court of proprietors, and to the faithful discharge of the important trusts committed to their hands.—In what manner this accumulation of debt had taken place, formed no part of his present purpose. Whether it had arisen from war, which could hardly be the case, because since the year 1793, with the exception of the Marhatta war, there had been but one war in India, that against Tippoo, which lasted a few months and which paid its own expences; or whether, which was more credible, it had arisen from the expence of civil and military establishments constantly exceeding the revenue derived from that accession of territory which had rendered these additional establishments necessary, however this might be, as to the origin of the debt, if the amount and nature of it was such as he had described, if only a small portion of the amount stated to him, had been contracted upon the terms he imagined, and that the East-India company were liable to be drawn upon any day to an amount infinitely beyond all imagination of their means to pay, it was unnecessary to put to the house what was the situation of the East-India company, and what was the extent of mischief which might possibly arise.—It was with a view to ascertain this fact, as well as to afford an opportunity for interposing timely measures of prevention, if any such could be found, that he should move, "that there be laid before this house, a return of the debts of the East-India company in India from January 1794, up to the latest period; specifying the terms and dates of the several loans, together with the rate of interest, and when and where the principal and interest of the said loans are payable."

Lord *Morpeth* expressed a wish that his noble friend would withdraw his motion, assuring him that it was the intention of ministers to lay before the house the fullest possible information with respect to the affairs of India. In conformity with this intention the noble lord stated, that he would, in a very few days, submit a motion for a return of all the debts of the India company, the loans contracted by the several presidencies, and the terms upon which they were made, distinguishing such loans as bore interest, from those which did not, with the terms of interest, when and where payable, &c. up to the latest period. Such an account he believed, would answer better than that moved for, the object his noble friend professed to have in view. There was an additional reason for acceding to a short delay, and it was this, that it would enable those concerned in the immediate superintendance of Indian affairs to collect more accurate information which they would be most probably enabled to do by farther arrivals.

Lord *Ossulston* assented to the request of his noble friend.

Mr. *Francis* rose, not to take any part in the discussion of this subject, but merely to say, that there was one question connected with the finances of India, to which, notwithstanding his general resolution, as the house had heard, he felt himself bound, and that was the loan made by the government of Bombay to Gwicowar. Upon this loan, however, he should reserve his sentiments, until all the promised documents should be laid before the house, and until the India budget should be brought forward for discussion.

Lord *Folkestone* was glad that the attention of the house had been called to the important interests of India, and thought many good effects would be likely to arise from this circumstance. He hoped that the documents promised by the noble member of the board of controul, would be speedily brought forward, and prove fully satisfactory.

Lord *Temple*, referring to the notice which had been postponed by Mr. Paull, took occasion to state, that the hon. member was now called upon in candour and fairness to lord Wellesley, to state the nature of the charge, which it was his intention to bring forward on Friday, pursuant to his notice.—Mr. Paull said he should decline giving the noble lord any answer on the subject. Lord Ossulston's motion was then, with the leave of the house, withdrawn.

[AFFAIRS OF INDIA.] Mr. *Paull* rose and spoke as follows:—Though irregular to allude to what passed on any former occasion in this house, still, sir, the occurrences of last night, will render it necessary for me to obtrude on the present occasion, at infinitely greater length than I had any intention of doing. The house must have observed, that I have had two distinct objects in introducing the affairs of India to its notice. One, sir, an earnest anxiety to bring the whole system of our Indian empire once more under the consideration of parliament, a system which threatens the national prosperity; and the other to prosecute to conviction, if possible, the person to whom I impute all the dangers that now threaten our existence abroad and in this country.—For the first, I could have incurred no obloquy, might have earned some applause from the display of my knowledge, and have made few enemies; but, in the second I was fully aware of the dangers. I had a beacon in the example afforded me in the managers of Mr. Hastings's impeachment calling out to me to beware! I knew I should have to contend, a new, unconnected individual, with obstacles of the most formidable nature. I knew, sir, I should not be able to sail with wind and tide, but that I should have to encounter every thing that power, rank, wealth, prejudice, and talent, could throw in my way. These, though no slight obstacles, I was prepared to meet; but I have met with others that I did not reckon on; and as I hold the character and motives of an accuser as his fairest claims to confidence or reprobation, I must, sir, on the present occasion claim the attention of the house on my own account a few moments, whilst I state my motives and conduct; this task once performed, I shall proceed in the way I have imposed upon myself, undismayed by numbers; and hereafter the shafts of malice and slander shall pass by me like the idle wind that I regard not.—Conscious of the rectitude of my own motives, I believed no man could dare to question them; but I reckoned too favourably of human nature, and it was not without a mixture of honest indignation and surprise, that I found within the walls of this house, not only surmises as to the motives that stimulated me to stand forth as the accuser of lord Wellesley, not only have these motives been misrepresented, but others assigned, as ungenerous and despicable as they are unjust and untrue. No sooner did I repel the insinuation that I was in any manner or form connected with the nabob of Oude or with any potentate on the peninsula of India, and appealed to the noble lord (Wellesley) himself for the truth of the fact, than it was asserted I must have been injured by that noble lord, who must have thwarted some scheme of my ambition or interposed between me and the attainment of some favourite object. Now, sir, for the last time, I repeat in this house, that to lord Wellesley I have not nor never had, any sentiment of animosity personally, except that proceeding from the detestation of his conduct and principles, and it so happens from an extraordinary circumstance, that my character and the independence of my principles are better known to lord Wellesley and his private secretary, than to any other men in existence; and if I felt a necessity of bringing any man to this bar to vouch for them, it would be that noble lord himself. On this subject I beg the noble lord under me (lord Temple) not to force me to be more explicit, for if that noble lord does not already know it, I could to him even (prejudiced as he is) 'unfold a tale,' and to the house that would insure me the support and approbation of every liberal mind in the kingdom, but with the declaration I have made, I shall rest satisfied for the present, disclaiming as I again do, any motives but those of a public nature for my conduct to lord Wellesley.—Last night an hon. gent. opposite to me (Mr. Johnstone) whom I am happy to see in his place, made a declaration that certainly excited my utmost astonishment. The annals of parliament and the voice of the country fully establish the fact, that that gentleman was the original accuser of my lord Wellesley, and although I certainly impute no improper motives to this seeming dereliction of sentiment on the part of the hon. gent. still I must certainly state this as one of the many unaccountable circumstances that have attended the investigation of the conduct of lord Wellesley.—The hon. gent. with whom I spent many of the happiest years of my life, certainly never stimulated me to accuse my lord Wellesley, but as to the opinion of his guilty conduct there never was a difference of sentiment between us. It is true, the hon. gent. and myself are not on those terms of intimacy and friendship we once felt for each other. We have differed however on no political sentiment, or on account of any thing connected with lord Wellesley; still I think it would have been but candid and fair in the hon. gent. to have stated to me explicitly that he meant to lay on his oars and to take the safe course he has adopted. The papers however he moved for last night, bring before the public "cause and effect," and having established by his reprobation of eight treaties, the pernicious system of lord Wellesley, he has done more service to the cause of justice and to me than any support he could have bestowed in bringing to conviction this ambitious and misguided nobleman.—But a declaration made by a right hon. gent. (Mr. secretary Fox) is of an importance that cannot escape without some most serious observation. My respect, my esteem, my veneration for that revered, enlightened, and highly respected character, make me the more deeply deplore his declaration of last night—he has stated all idea of retrospect to be out of the question. Where then, are we to look for a change of system, where is our fast hold on sir George Barlow, or any other Indian governor, if a solemn enquiry is not instituted? I presume to say that the declaration of that truly great character has damped the spirit of every friend of freedom, and every friend of justice. What, said the hon. gent. was the pale, emaciated, worn-out frame of Mr. Hastings dragged to the bar for vengeance by political opponents or for example! Now the right hon. gent. has said—(here Mr. Paull was reminded by the speaker that he was not quite in order in noticing to the house what passed on a former debate) the hon. gent. bowed and proceeded to the statement of the charge he had given notice of.—I shall proceed, said he, to lay the grounds for the charge I mean to bring against lord Wellesley, and if I abstain from any terms on this stage of the business that can be considered as objectionable by any man, it will not be out of compliment to the delicate ears and fine feelings of a right hon. gent. (Mr. H. Addington) who on another occasion volunteered a good deal of advice; not, sir, out of any dread of the reprehension of the noble lord (Temple) under me, who is so ready on every occasion to throw the broad shield of his protection and that of his family over the late governor-general of India.—To the southward of Mulrah and Agrah on the peninsula of Hindostan is a native prince called the Rajah of Bhurtpore, and though his fortress of that name has not yet found its way into the map, both his own name and that of his citadel will be remembered in the annals of India, of the British power, and in the annals of the English army when the battle of Placey, of Delhi, and Laswarie shall fail to excite interest in the page of history.—His first character and connection with the English nation I shall give in the words of lord Wellesley, and which I read to the house last night, and his fatal renown from the records of his gallant but unsuccessful opponent lord Lake. Previous to the commencement of hostilities against Dowlat Rai Scindia and the Rajah of Berar, as appears from the notes of lord Wellesley to lord Lake in the Marhatta papers, the friendship and alliance of this chieftain were appreciated as of the highest importance, and lord Lake was instructed to gain them at any price.—But the Carnatic, Oude, Furruskarbad, Surat, Bundlechund, Hyderabad, Pomah, and Rohillehund, all exemplified, that short is the span between a treaty and the seizure of a province; and the prince of Bhurtpore before the commencement of hostilities refused on any terms or on any account to have any connection with the East-India company.—On the 4th of Sept. 1803, lord Lake carried the Fort of Alle Ghur by assault, and the faithless, unprincipled surrender of Perron the French general of Scindia, in the Douaub and the battle of Delhi, brought the victorious general and his gallant army into the country of Bhurtpore. Promises and threats were alternately held out, and in an evil hour this hitherto happy, highly respected, and fortunate prince signed the treaty I shall read to the house. A fortunate succession of events subdued for a time the spirit of Scindia, and the other confederated chieftains who purchased a peace, by the surrender of their most valuable provinces. In a very short time however, Holkar appeared in the field with an army of upwards of

30,000 men, and in his approach to invade the British dominions, he reached Bhurtpore, to which it is now said he was invited by the once respectable, and highly esteemed, but now the treacherous and contemptible character the Rajah of that country. I trust the gentlemen of this house have not one set of principles and morality for England, and one for India, which however, I very much suspect they have; therefore admitting, which however is not yet proved, that the moment this prince became connected with England, he, belying his former character, tarnished all the acts of his past life, that he became the most profligate, perjured, abandoned, treacherous wretch that he is represented to have become, will even that conduct excuse in India, a war of vengeance and an ignominious peace! I answer, sir, no; but, be the Rajah's character what it may, be his former character true or false, be his treachery real or fictitious, that Holkar obtained supplies and assistance in the Bhurtpore country I readily admit, and the noble lord (Temple) may make the most of the admission.—In a short space, however, Holkar was defeated and his forces dispersed, and it was then that lord Wellesley determined on an act of singular and most sanguinary vengeance, and without example in ancient or modern times, unless in the recent instance of Buonaparte to the ill-fated king of Naples; who, too, is accused by the French emperor of treachery and foul play! Now, sir, the conduct of Naples is exactly in point. The king made a treaty, broke it, and invited the English and Russians to come into his dominions, and to aid him against France; so did the prince of Bhurtpore to Holkar, it is alleged: but will any Englishman say that the conduct of either merited extermination and ruin? It is said too, that the Rajah's troops turned upon our own forces and joined the enemy. Let the noble lord (Temple) avail himself of this further admission, and it will only prove, that lord Wellesley's system has revolutionized the nature of the mild Hindoo and excited a thirst for blood, unknown before. I admit the fact, I believe it, and that Hindoo and Mussulman, that all ranks of the natives, all casts, all conditions, are ripe for revolt and vengeance, against their oppressors. Lord Cornwallis confesses the fact, though in milder terms, and to recover what however is lost for ever, he was willing to surrender all but our honour. Instead of endeavouring to reclaim this guilty and infatuated prince, as he is represented, whose alliance lord Wellesley had courted, and whose character and example on other powers a few fleeting months before he rated and stated so highly, instead of manifesting to the minds of irritated India, that mercy, forbearance, magnanimity and justice, were the characteristics of a Christian governor, lord Wellesley determined on extermination and vengeance, and lord Lake was ordered to advance for the easy annihilation, as it was supposed, of his seemingly unequal opponent! No terms short of unconditional surrender being proposed, this prince determined to repel the assailants or to bury himself and his family and friends in one common ruin.—The account of the different assaults made by lord Lake and the different overtures made by the Rajah it is unnecessary to state, but the particulars of the sanguinary assault on the 22d of February after the British army had been 61 days before Bhurtpore, I shall read to the house. (here the hon. gent. read lord Lake's accounts of the 4 assaults)—On the 108th day after the commencement of the siege on the 9th of April 1805, six weeks after the last assault, lord Lake after a loss of 4000 of our best troops, and 116 of our best and most gallant officers, concluded a shameful and disgraceful peace, with, as he is represented, this abandoned, faithless and profligate prince, under the walls of that fort, where had withered the laurels of our brave troops, and when the reputation of our gallant army was completely and unnecessarily sacrificed. For having thus tarnished the British name and character, for the waste of blood and reputation occasioned by this sanguinary war of vengeance, I accuse lord Wellesley, and to lay the grounds for a charge of high crimes and misdemeanours, I shall conclude, sir, with moving, "1. That there be laid before this house, a Copy of a Treaty concluded by general Lake (now lord Lake) commander in chief of the forces, and afterwards ratified by marquis Wellesley, late governor general of India, and a prince of Hindostan, called the Rajah of Bhurtpore, dated the 29th Sept. 1803. 2. Copies of all applications from the Bengal govt., or those acting under its authority, demanding explanation and satisfaction previous to the commencement of hostilities, and the answers to such applications. 3. A Copy of the declaration of war against that prince. 4. A Copy of all letters from lord Lake, or those acting under his authority, to lord Wellesley, or the Bengal govt.; and from lord Wellesley, or the govt., to the British commander in chief, relating to the Rajah of Bhurtpore, previous to the signing of the treaty of 1803, and from that period to the commencement of the war against that chieftain. 5. Copies of any terms or conditions offered by the British govt. to prevent the war; and as indemnification for any imputed injury sustained by the British interests in India from the Bhurtpore Rajah. 6. Copies of all overtures made from time to time by the Bhurtpore Rajah to the British commander in chief, for terminating the war, and the answers to such overtures. 7. Copies of the returns of the killed, wounded, and missing, in the various assaults made to storm the fortress of Bhurtpore, together with the casualties of the army during the siege; and the communications made publicly and privately by lord Lake on these occasions to the Bengal govt. 8. Copy of the treaty of peace between the Bengal govt. and the prince of Bhurtpore, with the communications made on that event to the court of directors, or select committee, on that occasion."

Lord *Temple* observed, that the narrow ground on which the hon. gent. had proceeded, had made it an easy thing to answer him; but when he had brought forward charges as they were called, against so considerable, and so meritorious a character, as that of the marquis Wellesley, he should have stated the grounds on which they were to be founded; and he should also have taken the trouble of perusing those papers, which he said, would substantiate them, before he made those charges; if he had, the noble lord said he would venture to assert, it would have convinced the hon. member of the impropriety of his conduct. That he had not taken this course, was to be lamented, on account of what was due to the house, as well as to the noble marquis; for he would venture to assert, without the least fear of contradiction, that when all the papers which had been called for should appear upon the table, and came to tell their own story, there would be found not the least pretence for charging the noble marquis with any misconduct; on the contrary he would deserve praise. He hoped, therefore, that all the papers would be granted, and that there was no formal objection to their production, and he was not aware of any. By them it would appear, that the marquis Wellesley was so far from waging with the Rajah of Bhurtpore a war of extermination, or having a thirst of blood, that he conducted himself with a forbearance and moderation to which that prince was by no means entitled. It was said that the treaty of peace, a copy of which was now called for, was presented to the Rajah at the point of the bayonet. This assertion again would be completely refuted when the papers appeared upon the table; for they would prove that at the breaking out of the war with Holkar, in 1803, the Rajah expressed a desire to unite with the British interest, and a treaty was entered upon with him early in the year 1803, and concluded and ratified in the following September. The hon. member had alluded to three of the articles of that treaty: he would tell him there was a fourth, which was that the contracting parties should afford to each other the aid of troops in the event of the invasion of their territories. This treaty was agreed upon between lord Wellesley and the Rajah of Bhurtpore, and he was to furnish a considerable force of cavalry to act in conjunction with the British; upon which the British government thought themselves justified in making a cession of territory to the Rajah, giving him a revenue equal to one third of all his own. Whether this looked like a treaty forced upon the Rajah at the point of the bayonet, the house might judge when the papers came before it. When the war with Holkar broke out in the month of March, a correspondence was detected between the Rajah of Bhurtpore and Holkar, which had for its object the overthrow of the British power, and driving the British entirely from India; in which plan the Rajah was to have a considerable concern. A copy of this correspondence was sent to lord Wellesley in July, and yet this noble lord, who was said to be a person seeking blood and waging a war of extermination, would be found to have observed a moderation and humanity, the most remarkable, for by some of the correspondence now called for, it would appear, that the noble marquis, even after this detection of the treachery of the Rajah, did not allow him to be punished, considering that he was in the hands of others; but ordered that those who advised him to this act of perfidy, whenever discovered, should be punished in an exemplary manner; but as to the Rajah, the noble marquis considered that he might have been misguided and deceived by wicked councils, and therefore ordered that no punishment should fall on him; consequently he directed lord Lake to endeavour to discover who the advisers of the Rajah were, but not to punish him in any respect; to warn him, however, of what he was about; to tell him it was not the wish of the East-India company to interfere with his territory or his concerns; but to call on him to dismiss the agents who had so misguided him. This was another of the proofs of the war of extermination, which the hon. gent. imputed to marquis Wellesley. My lord Lake acted on his instructions and left directions with gen. Frazer to abide by the same line of conduct, not to attack the Rajah of Bhurtpore, or bring on a war with him, but if attacked, to resist; but the Rajah cut the matter short, for, not content with his correspondence with the enemy, he himself began the war, and commenced an attack upon us. The first direct act of hostility was committed on the part of the Rajah, whose fortress of Deeg afforded a protection to the remains of Holkar's army, and fired upon the British troops, which enabled Holkar to carry off a great part of his army, and place his artillery in that fortress. After the fort of Deeg was taken, and, notwithstanding the several unsuccessful attacks on Bhurtpore, the Rajah at last came to his senses, and was glad to conclude a peace, by which he agreed to pay to the company 20 lacks of rupees in 4 years, and the company guaranteed him his territories. He was also bound to keep no Frenchmen or Europeans in his army. On these conditions, the conquered countries, and even the fort of Deeg itself, had been since restored to him. In all these transactions, he could perceive nothing of that implacable vengeance which was imputed by the hon. member to the noble marquis. His lordship said, it was not then the time for him to go further into this subject; he wished to wait till the papers in question should be laid upon the table, as they would not only support the statement he had made, but display the conduct of the noble marquis to have been moderate and forbearing in the highest degree.

Mr. *Paull* said, he had quoted the treaty such as he found it in the Mahratta papers, and sent home by lord Wellesley, and could not be accused of a want of fairness in not reading what really had never been given to the house.

Mr. *Johnstone* said, he was sorry that it had been thought worth while to advert to any thing that had passed between himself and the hon. mover; and he would have said nothing about the matter, had it not been that his silence might lead the house to imagine that he really had encouraged the hon. gent. in his proceedings in this business. In fact, he had dissuaded him from becoming a candidate for that, of which he (Mr. J.) was set down as the representative, and afterwards from following up these charges. He did not say, however, that these were fundamentally wrong, but he thought this proceeding, under all the circumstances, inexpedient, both as far as regarded the hon. gent. and himself. His own reasons for not coming forward with any such charges were, first, the impossibility which he foresaw of procuring redress for the wrongs of a prince of India (the nabob of Oude), to whom he was much attached, which attachment, perhaps, rendered him incapable of conducting the affair with impartiality; 2dly, the suspicions that might arise, that he could not judge fairly and candidly in the case of lord Wellesley; and 3dly, the treachery of which the Rajah of Bhurtpore had been guilty, almost to an unparalleled extent. He did not deny this, but he asked, where was the wisdom or policy of making a treaty with this very person on whom no dependence whatever could be placed? How came the ceded fortresses and the money to be returned? It was because lord Cornwallis saw the futility of such treaties, and was resolved to abandon them, if possible. He gave up their lands, he gave up their money, he would give up any thing to such persons, provided they would agree not to burthen us with their friendship.

Mr. *Hiley Addington* said, that as the hon. mover, in anticipating the contents of the papers for which he moved, had made his assertions pretty sturdily, he was not sorry to hear from his noble friend (lord Temple) assertions of a contrary nature as sturdily and at least as roundly delivered. He must allow that the hon. mover had had the candour to distribute among the members of the board of controul, a number of papers respecting which he moved; but from the great mass of them, they had not had time to profit by this candour. He should, however, individually, as an humble member of the board of controul, say, that he saw no objections to granting the papers; his private feelings would rather induce him to second the motion than to oppose it, for he felt convinced, that when the papers were produced, they would exhibit a great many amiable qualities in the character of lord Wellesley, which many gentlemen were then unwilling to give him credit for. They would shew, that to this very rajah he had exercised an extraordinary forbearance, and an unexampled moderation. Without meaning to oppose the motion, he should just observe, that he doubted whether a sufficient parliamentary ground had been assigned for it. It did not appear to him proper, that any member should move for a vast mass of papers merely to fish out some cause of complaint which they did not know of before. As for the declaration of hostilities against the rajah, no such paper did exist: there never was a declaration of hostilities, but the war began by the cannon of the Fort of Deeg firing upon the British army, and protecting the retreat of Holkar. It was at a time when the rajah was writing the most friendly letters to lord Wellesley, and saying in the oriental cant, "make me happy by your letters," that he was conspiring with the enemies of the company, to expel the British from India. Nothing would be more demonstrable and unequivocal than the perfidy of this rajah, whom the hon. mover now extolled so highly. As soon as we had met a disaster under col. Monson, this faithless prince chose that moment not only to violate his treaties, but to conspire the utter destruction of that power for which he professed so much friendship, and to which he owed so much obligation. The manner in which the governor-general gained information of his treachery, was most unquestionable. A confidential agent of his at Maturah first informed the British resident of it, and about a week afterwards a vakeel was taken, with the correspondence, which went to the whole extent that had been stated. Notwithstanding this certain information of the treachery of this prince, lord Wellesley was still inclined to impute it to intriguers and evil advisers, and did not give directions to go to war with him for above eight months afterwards, and not until actual hostilities had been committed on the part of that prince against our troops, who were pursuing Holkar in the neighbourhood of the Fort of Deeg. He concluded, by declaring that, in his opinion, no blame could attach to lord Wellesley for the failure of the treaty which he had made, and to which, doubtless, he wished to adhere.

Mr. *Paull* decidedly affirmed, that he had once experienced an act of justice from lord Wellesley, but never an act of favour; that in India, his situation had been such, that the smiles of lord Wellesley could not benefit him, that his frowns could be of no detriment.

Mr. *Wellesley Pole* said, he did not wish to take any share in the discussion of this subject; he had only to say, that the noble marquis, and all those who were connected with him, had but one wish, and that was that the whole of his conduct should be examined as closely as possible, and the whole system of the government in India under his direction canvassed with care; for which reasons he trusted there would be no objection to granting these papers, and others which he intended to move for, provided their production would not be inconvenient to the board. Anxious as he was, however, for the production of these papers, for the purpose of preparing for a discussion which he wished to promote, he had so much regard for the regularity of the proceedings of parliament, that he should not persist in asking for them, if irregular to grant them. He was confident that the more the conduct of the noble marquis was examined, the more it would be approved; but should the house, upon enquiry, be of another opinion, of which he had not the most distant idea, neither he nor any other person would attempt to screen him; but what he asked for the noble marquis was this; that the nature of the charge to be exhibited against him should be stated. The hon. member had this day given notice of laying ground before the house on Friday, of some fresh charge against the marquis Wellesley. The noble lord near him had asked what that charge was? to which the hon. gent. had given no answer. He begged leave to request that the hon. member would now declare what the charge was he meant to make on Friday; for if he did not state that, how could the members who took the most immediate interest in the discussion, know what they were come to meet? He could not conceive how any difficulty could occur in giving this information. What was to be the situation of those who were most directly interested in the character of the noble marquis, if they were to come down to the house, day after day, to hear an attack, without being prepared to meet it? He trusted the house would feel that he was not asking any thing unreasonable. It would have been impossible for the house to have been prepared for the exhibition the hon. gent. had been pleased to make that night, if they had not had some previous intimation of what it was he intended to bring forward. It was, therefore, equally impossible that they should be prepared for Friday, unless the hon. gent. would let them know what charge it was that he was to bring forward on that day. As for the case of his noble relation, he committed it with confidence to the house, and to the country.

Mr. *Paull* said, the house would do him the justice to acknowledge that on every occasion he was ready to answer any question, that was civilly put to him; that he refused to answer the noble lord (Temple), as he should always do, when his manner and mode of putting a question was rude and improper. To the relation of the noble lord (Wellesley) he was ready to say, that the next charge he should bring forward, was for the assumption of the rights and revenues of the nabob of Surat. The question was then put, and the several papers were granted.

HOUSE OF LORDS.

Wednesday, March 12.

[MINUTES.] Lord Walsingham presented the report of the committee appointed to search for precedents of the proceedings of the house in cases of Impeachment; which was ordered to be printed. A short conversation ensued between lords Auckland and Eldon, respecting the additional article of Impeachment against lord Melville, as to the manner in which that noble lord should be called upon to answer; which ended in an order to summon their lordships for to-morrow, in order to take the same into consideration.

[WITNESSES' LIABILITY BILL.] Lord Walsingham reported the Declaratory bill, the amendments made in which were agreed to.

Lord *Eldon*, in order to save the exceptions which existed to the general rule laid down in the bill, proposed a proviso, the first part of which enacts, that the court shall not repel an objection made by a witness to answer, where such objection is made specially and on specific grounds stated, but shall decide on such objection according to the law as it appears to them. It is lastly enacted, that a witness shall not be compellable to answer any question which he could not be compelled to answer as a defendant, in a court of equity, on a bill being filed against him.

Earl *Stanhope* objected to this proviso, which, he said, instead of declaring the law, left it to the judges of each court to decide what was law, thereby, instead of removing doubts, rendering those doubts more doubtful. He also considered the clause to be unconstitutional, in as much as it sent the judges of the courts of common law to the courts of equity to learn by what law they were to decide, a system which met his marked condemnation.

The *Lord Chancellor* defended the clause to which he could not see the slightest objection. It was perfectly clear, from the opinions of the judges, that there were exceptions to the general rule, which it was necessary to provide against. With respect to courts of equity, the law of evidence was the same in those courts as in the courts of law, and therefore the objection upon this head fell to the ground, as the clause merely directed in fact that the laws of evidence should be resorted to. Although somewhat irregular in referring to a bill of the noble earl's (Stanhope) now on the table, on this subject, he was happy to concur with him in one part, where, notwithstanding his objection yesterday, he had inserted the words "the lords spiritual and temporal." The lords spiritual were the ministers of God and of religion, and it being thought fit that they should take a part in our temporal concerns, it was also fit that they should have the precedence.

Earl *Stanhope* said he had inserted the words "the lords temporal and spiritual," but that the printer had altered them.

Lord *Holland*, notwithstanding what had been said by his noble and learned friend on the woolsack, could not agree in the propriety of referring the judges of the courts of common law to courts of equity, to learn the law of evidence. He had too much veneration for the common law of the country to sanction such a proceeding.

Lord *Eldon* contended that the seven judges who had answered the questions in the affirmative having all done so with a variety of exceptions, it would be, in fact, acting contrary to that opinion if a law were passed enacting a general rule on the subject without any exception, and he had no hesitation in saying, that without some such clause as that he had proposed, the Declaratory Bill would be the greatest nuisance that ever existed; no man's property would then be safe, as he might be compelled to answer questions which might divest him of all title to his estates. As to courts of equity, their lordships would recollect that the judges who had answered the questions in the affirmative, had all drawn from thence the grounds of those opinions.—The clause was received and added to the bill.

Earl *Stanhope*, still considerimg his bill for the more effectual Discovery of Truth from Witnesses to be necessary, moved its second reading, observing, however, that he should move in the committee to alter the preamble, and make it a bill for the better protection of witnesses. The object of the bill, he stated, was to prevent the evidence given by witnesses from being afterwards made use of against themselves.—The bill was read a second time, and committed for Friday.

HOUSE OF COMMONS.

Wednesday, March 12.

[Minutes.] New writs were ordered for the borough of Lyme Regis, in the room of the hon. T. Fane, who had accepted the Chiltern hundreds; and also for the borough of Queenborough, in the room of G. P. Moore, esq. who had accepted the office of steward of the manor of East Hendred.—Mr. Holford brought up the report of the committee to whom the petition of the Philanthropic Society, for the education of the children of felons, was referred. In pursuance of the report, he moved for, and obtained leave to bring in, a bill for the better government and regulation of that society.—Mr. W. Dundas moved for, and obtained leave to bring in, a bill, for the further continuance of an act which was on the point of expiring, for the securing a more expeditious payment of creditors in Scotland.—The Irish Clergy Residence bill passed through the committee.—The bill for Allowing the Importation of Wool from the British colonies in America, was read a second time.—On the motion of general Tarleton, the ordnance estimates, presented by Mr. Calcraft, were ordered to be printed for the use of the members.—Mr. Paull moved for, a Copy of a Protest, dated in 1803, from the then chairman of the court of directors, against the measures pursued in Oude, and which led to the treaty of 1801, and which treaty was approved of by the secret committee, as appears from their minute of the 19th of Nov. now before the house. Ordered.

[Woollen Manufacture Suspension Bill.] On the motion of lord Temple, the house went into a committee on this bill.

Mr. *P. Moore* said, he would not object to suspend the operation of the existing laws respecting the woollen manufacturers, against those violations which had been hitherto made, but he must object to the continuing this suspension still farther. He considered that the violators of the law were comparatively few, and that the trespassers and intruders bore but a small proportion to the number of those engaged in the trade. In opposing them, he therefore took the side that he always wished to take, that of the many against the few. Those who proposed the bill, and the many country members who were favourable to it, he considered were rather taking the part of the few against the many. He therefore should propose a clause, "That this bill should only operate to prevent prosecutions from those violations of the existing laws which had already taken place, but should not prevent prosecutions for violations which might be committed hereafter."

Mr. *H. Lascelles* said, that the reason why so many gentlemen supported the bill was, that it had become evident in the course of the trade, that the principles of many of those very old acts of parliament, would be at present inapplicable, and highly injurious to the woollen manufacture. He did not wish absolutely to decide upon the policy of those old acts, but as it was at present very doubtful, he thought it would be the best way for the house to go into a committee, when they would be able to obtain the fullest information on the subject.

Mr. *Wilberforce* thought that the hon. gent. (Mr. Moore) had rather gone upon general principles, or those which carried with them a show of popularity. He had spoken of the interests of the many, as opposed to those of the few. For his part, he was convinced that the interests of commerce and of trade, were the interests both of the many and of the few. The wages of the manufacturers were raised when the trade went well. The hon. gent. however, appeared to him to be mistaken in his distinction about the many and the few, for the fact was, that there were very many who carried on manufactures in their own houses and in a domestic way, which he considered was better both for trade and for the morals of those engaged in it, than that way of carrying on manufactures where many journeymen are employed by a few masters in large manufactories. He declared that he had no other wish upon the subject, than that a business of such importance should be fully considered, and that the best resolution might be taken which the most mature deliberation could give. He therefore wished that the bill should be committed early in the session, and was sure that the persons engaged in the trade would have full confidence in the care and attention of their representatives to their true interests.

Mr. *Brooke* hoped that no impediment would be thrown in the way of the final settlement of this business, which had been now two years before the house. His object was to promote the interests of all parties. He hoped the hon. gent. would not insist on his clause.

Lord *Temple* said, that he knew the wish of his majesty's ministers upon this subject was, to relieve the manufacturers from any improper restraint. Whether the restraints imposed upon them by those old acts of parliament might be taken away or not, was a matter that could not be decided without the most serious consideration, and the best information that could be had. It was, because he was not prepared to decide, that he could not agree to the clause proposed. Such a clause would be absolutely deciding the question.

Mr. *P. Moore* explained, that when he spoke of the many and the few, he considered very much that numerous class of manufacturers, whose petition he presented, and who had been waiting for years: he meant the petition of the employed against the employers. The first class were anxious for the decision of the house; the latter class, as he thought, was not so desirous of it. He hoped that the discussion, and the adoption of the clause he had proposed, would bring them to agree to reasonable terms with those in their employment.

Mr. *Wilberforce* said, that, by this explanation, the suspicion he had entertained was realized; that it was for another description of men than those who were the objects of this bill, that the hon. gent. felt so warmly.—The clause was then rejected, and lord Temple gave notice, that he should on Friday next move for a committee to consider the state of the woollen manufacture.

[ELECTION TREATING BILL.] Mr. *Tierney* brought up a bill to explain and render more effectual an act, passed in the 7th of William III. for preventing charge and expence in Elections of Members to serve in Parliament. The bill was read a first time, and ordered to be printed. The right hon. gent. then said, that he should move for its being read a second time on Friday se'nnight, unless gentlemen wished for longer time to consider it.

Mr. *Hurst* wished that a longer day should be named. As for himself, he approved entirely of the principles of the bill, and of almost all the observations made by the hon. member in proposing it; but as it was a bill that went to make a material change in the old established laws, and as several gentlemen might entertain doubts, which a fuller consideration might remove, he thought it would be better to allow a longer time to consider it.

Mr. *Rose* did not consider that the bill made any alteration in old established laws; he thought it would be only a declaration of what was actually the existing law.—The question was then put, and the bill was ordered to be read a second time on Friday se'nnight.

HOUSE OF LORDS.

Thursday, March 13.

[IMPEACHMENT OF LORD MELVILLE.] Lord *Auckland* called the attention of their lordships to the further article of Impeachment against lord Melville, with respect to which, he said, the first impression of his mind was, that it ought to be received. He was glad that the house had afterwards referred it to the committee appointed to search for precedents of their lordships' proceedings in cases of Impeachment, as much information was in consequence derived from the committee on the subject. He would not now trouble the house with reading the report of the committee, but should merely refer to three cases which were analogous to the present. The 1st was the case of lord Stafford; the 2d that of the lord mayor of London, in 1643, who, after putting in an answer to articles of Impeachment, also pleaded to further articles, which were subsequently sent up from the commons; the 3d case was that of lord Danby, in which it was expressly stated, that time should be allowed him to plead to the articles of impeachment preferred against him, or to any further article which might be presented. It was, therefore clear that the principle of calling upon persons impeached to answer to any further articles of impeachment which might be sent up from the commons, was recognized by precedent. As to what would have been the effect if lord Melville had entered a special plea to the articles first presented, whether he could then be called upon to answer a further article, he would not discuss the question, it not being before the house, the plea of that noble lord having been a general one of "not guilty." In the motion, however, which he intended to make, he wished to give lord Melville the opportunity of either demurring to the further article, of withdrawing his general plea and pleading specially, or of pleading generally to the further article. He concluded by moving, "that a copy of the further article of impeachment be communicated to lord Melville, and that he do put in his answer to the same on to-morrow fortnight."—Ordered. The further article was also ordered to be printed.

HOUSE OF COMMONS.

Thursday, March 13.

[MINUTES.] Mr. Stanniford presented a petition from the maltsters of Kingston-upon-Hull, praying to be relieved from certain embarrassments under the existing malt laws.—Mr. W. Dundas presented the Scotch Creditors' bill, which was read a first time.—Mr. W. Keene moved that there be laid before the house a copy of the commission under which the commissioners for liquidating the debts of the nabob of Arcot acted. Mr. H. Addington had no objection to the production of the paper in question, but suggested the propriety of postponing the motion till Monday, when the committee moved for by his noble friend (lord Morpeth), would have this business fully before them, and when the commission would of course be produced. Mr. Keene maintained that it was necessary that the house should be in possession of the commission before going into the committee. The motion, however, was negatived.—Lord Collingwood's Annuity bill was read a 3d time and passed.—The Mutiny bill, Militia Pay bill, Militia Subalterns bill, Militia Adjutants bill, and Irish Militia Pay bill, went through committees, and were ordered to be reported to-morrow.—Mr. Vansittart brought in a bill for continuing the act of the 44th of the king, enabling his majesty to accept of the service of such part of the militia of Ireland as voluntarily offered themselves to be employed in Great Britain, which was read a first time.

[IRISH CLERGY RESIDENCE BILL.] Dr. *Duigenan* moved the order of the day, for going into a committee on the Irish Clergy Residence bill; which being read accordingly,

Mr. *Grattan* rose to express his hope, that the hon. and learned doctor would not now persist in pushing forward this bill through the house with so much rapidity, in the absence of gentlemen from that country, who certainly wished to be present at the discussion of a subject of so much importance to the clergy of Ireland. Some of those gentlemen had not yet arrived in London; others were arrived, but not present. Several of them had instructed him to request the learned doctor would postpone the committal of the bill, until Thursday the 8th of May, and to hope the learned doctor would have no objection.

Dr. *Duigenan* hoped the hon. gent. would be so good as to give him some reason why he wished the further proceedings of the bill to be postponed to so distant a day? He had brought the bill forward at the request of the board of First Fruits in Ireland, a board composed of the lord chancellor, the three chief judges of the other courts, and many of the most respectable gentlemen of Ireland. By the union it was settled that the church of Great Britain and Ireland should thenceforth be one and the same for ever. The present bill was founded in strict conformity to that principle, and did not contain a single tittle that was not enacted by the bill which passed this house in the 43d of the king, for securing the residence of the Clergy in England; and which bill had undergone a most minute discussion in both houses of Parliament, and therefore he should be glad to hear what objections could exist to the bill now before the house.

Mr. *Grattan* answered, that his first objection was, that a bill of this nature, in which not only the church but the state in Ireland might be eventually involved, should pass in the absence of those gentlemen who represent Ireland, and who must feel a material interest in the ecclesiastical establishment of that country, and who could not possibly attend in their places in that house until after the assizes. If it was desired that he should offer any further reasons, he must be obliged very reluctantly to trespass on the time of the house at greater length; but the house would have to impute that to the curiosity of the learned doctor, and not to any wish of his. His first additional objection then was, that the bill had not yet been debated, and this he conceived a strong objection. Secondly, the statement of the learned doctor, that this bill was exactly word for word the same with the act which had passed some sessions ago, for enforcing the residence of the English clergy; whereas the circumstances of both countries differed so materially from each other, that the measure which might be extremely right in the one, would be very wrong in the other. To use a very homely simile, it would be like the case of a taylor, who having made a garment exactly fitting one man, should propose it to be worn by another whom it fitted in no respect; and really the proposition of the learned doctor to impose regulations on the Clergy of Ireland, which were locally and circumstantially adapted only to the Clergy of this country, was rather the argument of a bad taylor, than that of a profound statesman. In many parishes of Ireland there were no parishioners to whom a clergyman could minister; and therefore, it must be totally unnecessary to enforce the residence of an incumbent, so long as a parish continued to be so circumstanced; nor could the analogy between the cases of both countries justify the necessity of similar regulations, upon this ground. The learned doctor had mentioned the Irish Board of First Fruits, as his authority for bringing forward this bill: a board, certainly composed of persons to whom he (Mr. G.) wished to pay every degree of deference and respect: but not one of those persons had a right to sit or vote in the house of commons, consequently their authority in that place ought to have no deliberate influence. The learned doctor, by possibility, might be extremely right in bringing forward this bill; he would not at this moment enter into that part of the discussion: he wanted only to give the learned doctor time and opportunity to prove, by fair argument, to the satisfaction of those who would feel most interested in the bill, that it was just and necessary. There was one clause, at least he understood it so, that made the residence of the clergymen to depend upon the mandate of the bishop. But he could not exactly approve the principle of enforcing residence for just such time as the discretion of the bishop should deem it fit to appoint. Besides, the exercise of this discretion might be rendered in some cases extremely oppressive: in the case, for instance, of an old clergyman, who might be induced to give his vote for a member of parliament at an election, contrary to the mandate of his diocesan. If there were such persons as political bishops in Ireland, he would not assume to say there were, the consequence of such an act of disobedience might be to force the old clergyman to a residence in a parish, where he had no glebe, and perhaps could not find a single house in which he could live, and be remote from his friends, and out of the reach of every comfort or accommodation. At present, he did not wish to urge any thing further; but hoped he had said enough to convince the house, that the law which was very well calculated to operate in England, might be, in many instances, quite the reverse in Ireland; and that a measure calculated to operate in Ireland, was entitled to some consideration and discussion from gentlemen who must have the most knowledge and experience in the local circumstances of that country, if the bill for a similar purpose in this country had occupied, for a succession of days, the most minute attention in both houses of parliament.

Dr. *Duigenan* said, that if the bill was not debated on the 2d reading, the fault was not his; as it was now three weeks since it was introduced, by the leave of the house, and had passed through its previous stages without the slighest opposition from the hon. gent. If there was not a full attendance of Irish members in that house, it could not be owing to their absence from London; for, if he was well informed, out of the 100 who had seats, 70 were actually in town; and he very much despaired of a greater number of members arriving in London after the assizes, but rather supposed their numbers would diminish instead of increasing. The hon. gent. had been pleased to compare him to a bad taylor; but he would appeal to the house on the propriety of the comparison, as well as the elegance of the figure; that he could see no reason why the clergy of Ireland should wear their coats differently trimmed from those of England, or be exempt from similar laws, or similar restrictions, to enforce that residence to which they were sworn, and to which they were indispensibly bound by law and duty. In spite of all pretences about having no glebe houses, there was not a parish in Ireland, where the clergyman could not find a convenient residence if he chose. The court of King's Bench in England would hear of no such excuses; and if the Irish clergymen did not chuse to reside on their livings, let them resign, and those would be found who would reside. He could not see the necessity of further delay; and he feared the loss of the bill would be risked by it. The danger suggested by the hon. gent., of giving too much influence to the bishops, was obviated in the English bill, of which this was only a copy.

Mr. *Fox* agreed with his hon. friend (Mr. Grattan), in the necessity of postponing further proceedings on this bill, not only until a full attendance of the gentlemen of Ireland should be present, but until those gentlemen, who were to represent the Irish government in that house, should be in their places, and be able to give their opinions, touching the necessity of a measure which he should conceive to be amongst the first objects of their enquiry, upon examining into the state of that country. At the same time, he was willing to allow, that what had fallen from the hon. and learned gent. had certainly some weight. But yet he could not see the great inconvenience that would arise from passing the bill in May, if it was fit to pass it at all, instead of passing it now. The measure surely would not be the worse for more mature deliberation and fair discussion; and from the time of the year at which this House had been accustomed to break up for the season of late years, he could see no danger of the bill being lost by the delay proposed by his hon. friend, unless the hon. and learned gent. was apprehensive that the bill was such an one that it could not pass at all, if it were to be deliberately considered.

Dr. *Duigenan* persisting in his motion, the gallery was cleared for a division, but the house, after some further discussion, did not divide; and it was agreed to postpone the committal until the 21st of April.

HOUSE OF LORDS.

Friday, March 14.

[MINUTES.] The bishop of Ossory took the oaths and his seat.—Lord Collingwood's Annuity bill was read a 2d time.—Mr. Alexander brought up the Irish Sugar Drawback bill, the Woollen Manufacturers Penalty Suspension bill, and the British Sugar Drawback bill, which were severally read a first time.—The Corn Exportation bill, the Irish Duties bill, the Foreign Troops bill, the Royal Marine Mutiny bill, and the Greenland Whale Fishery bill, passed through committees and were reported.—On the motion of lord Holland, the Declaratory bill, with its amendments, was ordered to be printed.—Earl Stanhope, in consequence of the absence of the chief justice of the King's Bench, who he understood wished to be present on the commitment of his bill for the Discovery of Truth, moved to postpone the committee till Monday, which was agreed to.

HOUSE OF COMMONS.

Friday, March 14.

[MINUTES.] Lord Stanley presented a petition from the Maltsters, &c. of the Borough of Preston, praying relief from certain restrictions imposed by the act of the 42d of the king.—Mr. Alcock from the Treasury presented an account, showing how the monies voted for the service of the year 1805 had been disposed of, under their several heads, so far as relates to Great Britain.—A person from the British Museum presented an account of the Expenditure of that institution, for the year 1805, and estimates for the year 1806.—Mr. Calcraft brought up certain Ordnance papers, containing an account of the effective strength of the Artillery and Drivers; and also an account of the effective strength of the corps of Engineers, from 1801 to 1806 inclusive.—On the motion of Mr. W. Dundas, the Scotch Creditors' bill was read a 2d time.—On the motion of Mr. Vansittart the Sugar Drawback and the Irish Sugar Drawback bills were read a third time and passed.—Mr. Rose moved for an account of the amount of all exports from Great Britain to the island of Tortola, for the last 7 years, distinguishing British from foreign goods; also an account of the quantity of sugar, rum, and coffee, exported from the Island of Tortola to our foreign settlements; and copies of all orders of his majesty in council relative to the execution of the act of the 42d and 43d of his majesty.—Ordered.

[WOOLLEN MANUFACTURE COMMITTEE.] Lord *Temple*, pursuant to his notice on a former night, moved, that a committee be appointed to take into consideration the various acts relating to the woollen manufacture.

Lord *Henry Petty*, in seconding the motion of his noble friend, took the opportunity of stating the motives which influenced him on the occasion. Three years had elapsed since a committee had been appointed to take this important subject into consideration. No final arrangement had yet taken place, and the suspension bill had been, from time to time, renewed. However objectionable such an expedient might be as a remedy for temporary evils, it was peculiarly so in this instance, where the evil would be every day growing worse and worse. He trusted that when the committee should make their report to parliament, the house would look the question in the face, and come to such a decision upon it as would put an end to the irritation which was kept alive in the country, by the frequent renewal of the suspension bill. The interests of the manufacturer, employers, and employed, and that of the country, were the same, viz. to promote the growth and prosperity of the manufacture.

Mr. *H. Lascelles* stated that the evil alluded to by the noble lord, and which it was the object of the proposed committee to correct, did not originate in the suspension law; but that, on the contrary, this law was rendered necessary by the penalties given by certain obsolete statutes, and was calculated to restrain the operation of this evil. The fact was, that a number of statutes existed which were quite inapplicable to the present state of the Woollen Manufacture. Yet upon those obsolete statutes several prosecutions had been commenced; and to guard against the effects of such prosecutions the suspension law was introduced. Such was the object of this law, and it had answered the end in view. But still he felt that it could serve only as a temporary expedient, until, as in this instance, it was determined fully to investigate the subject, and to decide what laws should continue in force, or whether any new laws should be enacted with regard to the state of the Woollen Manufacture.

Lord *H. Petty* replied, that he had certainly expressed himself very ill, if his words conveyed the idea, that he considered the existing discontents as originating from the suspension acts. He had only said, that these were temporary expedients, which had not lessened the irritation, and that something farther was necessary to be done.—A committee was then appointed to whom the various petitions from the Woollen Manufacturers were referred, and who were empowered to report from time to time, their observations on the whole subject.

[AFFAIRS OF INDIA.] Mr. Alderman *Prinsep* rose, pursuant to notice, to move for the production of a document of the highest national importance in his estimation, with a view to put government and the house in possession of a most material fact with regard to the commerce of India. To enable his majesty's ministers to take prospective measures upon the subject of India, it appeared to him essentially necessary that they should be made acquainted with the proportion of the commerce of that territory, of which neutrals had contrived to possess themselves. That proportion struck his mind, and he believed, when known, it would equally strike that of any thinking man in the country, to be most extraordinary and unfair, when compared to that enjoyed by the subjects of this country commonly denominated private traders, nay, even by the India company themselves. Upon considering this comparison, it would be seen what return was made to Great Britain for the price she has paid for the purchase of our Indian territory; for the expence incurred in maintaining it; and for the anxiety generally existing with respect to its concerns. The fact was, the British share of Indian commerce was a very inadequate recompence for the quantity of population and wealth which Great Britain was annually in the habit of expending for the support of our dominion in India; for the constant drain upon every class of our population, to administer the various branches of civil and military government of those territories; for the original and subsequent contributions of capital for the company's trade, and for the diversion of so great a portion of our naval strength in the external protection of India against the natural enemy of our commerce and power. Foreigners enjoyed a share of this trade, which, compared with our own, the company's and private traders included, bore a proportion of not less, he was certain, than three to one. By this statement he would not be understood as wishing to excite any complaints on the part of the private traders; and still farther was it from his view to attach any blame to the India company, for the toleration of neutral commerce. The fault was not theirs; for, several of the neutral powers had possessions in India, before we ourselves obtained any footing in that quarter. By treaty some of them enjoyed the right of traffic with our territory; and some possessed territories of their own.

Nothing was more opposite to his wish, than the exclusion of neutral traders from India; and those which were in amity with Great Britain, could not be excluded without a breach of treaty. The attempt, indeed, at such exclusion, would be highly impolitic at any time, but particularly so at present. For, if the capital laid out in India by foreign traders, were withdrawn, our Indian manufacturers would be comparatively unemployed, because there would be no sufficient market for their produce, and of course our revenue must suffer. Foreign capitals he conceived to be now the principal support of the revenues and circulation of British India. But, whence came the capital disposed of in India by the Americans and other neutral traders, was another question; whether any, or what proportion of this capital, which consisted principally of specie, did or did not find its way from this country through circuitous channels in consequence of the limited allowance granted, to a rather comparative discountenance of our own private traders, might become a matter for consideration. How far the conduct of the India company towards those who were engaged in the private trade was fair, or politic, might also be enquired into. But, at present, his object simply was, that the document he referred to should be laid before the house, and it would be for the house itself, or for ministers, to consider whether any proceeding should hereafter be founded upon it. The document itself was of the utmost consequence, even as an article of information, to which it was essentially material that gentlemen should turn their minds. A communication which he had lately received from a gentleman unconnected with the state of Indian commerce, forcibly impressed his mind with the propriety of calling the attention of parliament and the country to this question. According to this gent.'s statement, which of course was not official, but who had recently arrived from India, and who was not himself a commercial man, the proportion which the neutral trade bore to ours was equally matter of astonishment and alarm. It appeared that in the harbour of Calcutta alone, there were in the year 1800-1, no less than 26 American vessels; in 1802-3, 32 ditto; in 1803-4, 27 ditto; and in the last year 29; together with 10 Portuguese, 2 Danish and 1 Swedish. This was evidently a most inordinate proportion of the India trade. But the value of this commerce might be estimated from this circumstance, that in the year 1804, the sum paid for only six articles of commerce at Calcutta alone, amounted to no less than three millions. The bullion imported into Bengal by those neutrals during the 4 last years exclusive of that laid out by the India company, exceeded 19 millions of dollars, and the importations of last year alone, amounted to 5,300,000. The importance of laying such a document in an official shape, must be obvious to every commercial and political man. He was induced to bring it forward solely from public motives, and not at all with a view to urge the private traders to press their complaints at present. Their best course would be, in his judgment, to leave their case entirely to the consideration of his majesty's ministers, in the hope, which no doubt was well founded, that as soon as leisure permitted, they would attend to that important question. At the same time he felt that the document for which he proposed to move, would furnish the strongest grounds in favour of the private traders, and of course in favour of the best interests of the country. After some remarks on the facility with which the knowledge could be furnished which it was the object of his motion to obtain, as lists of the arrivals and departures of shipping were published monthly in India, and as the duties were collected *ad valorem*, the hon. gent. concluded with moving, "That there be laid before this house, lists of all ships and vessels navigating under Portuguese or other European colours and American, which have entered inwards and cleared outwards from the ports of Calcutta Madras, Bombay, Colombo, Surat, and Prince of Wales's Island, and the subordinate custom houses thereof, from the official year 1800-1, inclusive to the latest period received; together with their tonnage, and the value of their respective cargoes, so far as the same can be made out. Also, of all British shipping, not chartered in Europe, which have cleared out from those ports for London during the same period."

Mr. *Francis.*—I presume, sir, it is hardly necessary to second such a motion as the present. A return of the value of exports and imports of tonnage, shipping, and cargoes, is a mere custom-house document, a thing of course, perpetually moved for in this house, even without notice, and never refused or disputed. I rise now, sir, for another purpose. The facts, stated by the worthy alderman, and the general conclusions, which he appeared to draw from them, are certainly of great importance in many views; though chiefly in a commercial sense. But, as this particular branch of the British interests in India is rather new to the house of commons, and even to myself, notwithstanding all the attention I have given to Indian questions, it is not at all unlikely that many other gentlemen may be as uncertain as I am, whether they perfectly understood him. For that reason, and also to obtain some lights from the worthy chairman of the court of directors, on the same subject, on which no man is better able than himself to give us the clearest information, I beg leave to restate some of the propositions affirmed by the hon. alderman. If I have at all mistaken his meaning, I am sure he will have the goodness to set me right. In the first place, however, it may be of use, not only now but hereafter, to revive and establish one fundamental truth, which never yet, I believe, was disputed by any man who knew any thing of the matter; and therefore fit to be kept in view in all future discussions of the commercial interests of India, which in effect are our own. It is, sir, that in any intercourse purely commercial between India and Europe, the relative circumstances of the two parties is such, that the balance of trade merely, must be, from the nature of their respective wants, immensely in favour of the natives of India. The inference from this position is obvious and natural. If England had nothing to consider, in its connection with India, but the duties of a sovereign, or even the profit of a proprietor; if this house, for example, were king of Bengal, I say that, in that character, it would be your essential interest to open all the ports of that country to all the ships and merchants of Europe indiscriminately. I hold it to be little less than impossible for such trade to exist without a constant balance in specie, more or less, being actually paid by the European merchant, for Indian produce or Indian manufacture. The truth of this proposition is not affected by the amount of supplies now sent out for the use of Europeans, and which have nothing to do with the natural consumption of the country. I have stated this opinion, with many arguments to support it long ago to the court of directors *, in the following terms. "There is reason "to presume, that this was the policy of "the ancient government; or why did they "encourage every European nation to frequent their ports by exempting their export and import trade from duties?" I do not mean to go farther into any general considerations of this kind at present. Whether we like it or not, a time will come, when they must be resumed. I shall never meddle with them, if I can avoid it. The subject is not within my reach. What I aim at now is to obtain information, and chiefly concerning some matters of fact, to which the hon. alderman has alluded. He says, "that, in 1804, the sum paid by "neutrals, for only six articles, at Calcutta "alone, amounted to three millions; that "the bullion imported into Bengal, by "those neutrals, exclusive of that laid out "by the India company, exceeded nineteen millions in dollars, and that the "importations of last year alone, amount "to 5,300,000*l.*" In addition to all this importation by neutrals, we know that within a very few late years, the India company have poured into Bengal and the other presidencies, a supply of specie, not far short of 7 or 8 millions sterling. I cannot precisely state the period nor the amount, because the return is not before us. More or less, however, we are sufficiently certain of the fact. On these facts a question arises, which I am utterly unable to answer. It constitutes a problem, not only beyond the extent of any knowledge I possess, but beyond the reach of my imagination to resolve or account for. With a territorial revenue, greatly under-stated at 15 millions sterling a year, and with this immense influx of foreign specie, into Bengal particularly, how does it happen that there is no circulation of specie in Calcutta, or in any of the company's other presidencies or settlements? No, not a rupee. The only medium of circulation, in all those principal places at least, is paper, and paper of the worst quality and most injurious to the government, that is, company's notes or bonds, or securities,—the name is immaterial,—with a heavy interest, convertible at short intervals into capital. Now, I ask the hon. chairman of the court of directors, for no man is better qualified to instruct the house on this subject, what becomes of all this specie? Is it buried? is it re-exported? or how is it employed? All we know is, that it vanishes and disappears, as fast as it is imported.

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* In his minute of Dec. 1776, in the Revenue department.

My next question is, and very material it will be found some day or other, where and how is all this supply of money produced in the first instance? Does it really and *bonâ fide* belong to those neutral powers, under whose flag so great a portion of the foreign trade of India is carried on; not only to the exclusion of British private traders, but, in a considerable degree, even of our chartered company? Is it a question to be thought of with indifference, whether our own West-India islands shall be supplied with the manufactures of our own Bengal, as in fact they are, by American carriers? Is that immense carrying trade to be taken from the industry and navigation of Great Britain, and made over to Sweden, Denmark, and America? I say, you must correct your institutions, if that be the effect of them. Again I ask, with what capital, with whose money, do these foreigners conduct this trade, to and fro, with our proper settlements and colonies? Is it their own, or is it British property? If it be the latter, as I suspect it is for the most part, why should we transfer the use of such a capital, and the profits of such a trade to foreign carriers? Is it rational that Britain should bear the whole expence and burthen of these distant settlements, and that the only return they can make us should be ingrossed by strangers? The folly of permitting such courses to be continued, is insupportable.—Another question deserves the attention of this house. Where, in fact, are the cargoes of the ships in question, which are destined for Europe, disposed of? Where do they find their principal market? Is it in poor Sweden, or in poor Denmark, or in the ruin of Holland, or in the desolation of Germany? I do not believe it: no, sir, the real market is in the British islands. This conclusion at least is obvious and natural; common sense can draw no other from the facts that are known, and from all the appearances, until better information shall be received from sufficient authority.

Mr. *Charles Grant* rose, and said: I do not rise, sir, to advance either of the objections the hon. gent. (Mr. Prinsep) has anticipated, to the production of the papers he has called for, nor, indeed, to object at all to his motion, because my opposition to it might be misunderstood; but I wish to submit some general observations on the subject on which these papers are intended to bear. That subject is a very large one, namely, the extent to which the private trade of individuals belonging to this country should be open between Great Britain and India. It is not a subject merely commercial, but involves a great political question, the system by which our Indian empire can be best governed and retained for Great Britain; that is to say, whether the intercourse between the two countries shall be regulated on the principles of our colonial policy, which give all our subjects a free trade between our colonies and the mother country, or by the principles which have hitherto made the East-India company the national organ through which India was to be governed, and the commerce between it and this country carried on.—This, I say, sir, is a great national question, in the determination of which may be involved the preservation of our Indian empire; and, therefore, it is not at all to be decided by any results derived from such statements as the hon. gent. has called for; statements which, merely in a commercial view, would give but partial and imperfect information, insufficient even for just commercial conclusions on the subject.—This great question, sir, will not be best considered by bringing on the discussion of it immediately in this house, with the minds of gentlemen not sufficiently informed or prepared for it. I am humbly of opinion, that it is a subject for the mature enquiry and deliberation of his majesty's government; who, after fully informing themselves of facts, and weighing the bearings of the proposed enlargements of private trade upon the safe retention of our Indian empire, will be best enabled to bring just views of this subject before parliament. The present crisis, when the nation is engaged in the most arduous struggle, is not the time for entering into this enquiry. It should be reserved for a more calm and settled period. The question of private trade was before the house some years ago, and an arrangement was then agreed to, which is still in force.—The question must again necessarily come into view when the renewal of the company's charter is agitated, and that ought to be in a few years hence, because the charter has now but seven years to run, and the consideration of its renewal should not be delayed till the eve of its expiration.—It has been argued that the trade of India is open to all the subjects of Europe, except those of this country. This has never been a matter within our controul. The maritime nations of Europe had the privilege of trading settlements in India, as early as we had, some earlier. Our acquisition of territory there did not deprive them of their rights. Some of their settlements were without the pale of our conquests; those which were otherwise, were confirmed to them by treaties; and though the Indian continental settlements of the nations with which we are at war, are at present in our possession, it does not follow that they may not hereafter be restored. Besides, we do not regulate the trade of foreign Europe or America with our Indian territories on the principles of colonial exclusion. We could not do so, or if we did, the nations who have no settlements of their own there, might shut out our Indian goods from their ports. Whenever we are at war, all the neutral nations of Europe and America must carry on the Indian trade with more advantage than either the India company or the individuals of this country can. They save war insurance which we must pay; they otherwise navigate cheaper, and they sail at the most convenient times. The Americans undoubtedly avail themselves of this state of things, and in a way contrary to the letter and spirit of the treaty of commerce and amity made with them in 1794. By that treaty, they were allowed a direct trade between our settlements in India and their own ports in America. They now carry on a circuitous trade between India and foreign Europe, in violation of that treaty, and they even supply our own colonies with Indian commodities. The East-India company are not to blame in this. It is a subject for the consideration of government, and they no doubt pay due attention to it.—In answer to the enquiries of the hon. gent. (Mr. Francis), I would observe, that the quantity of 19 millions of dollars, said to have been imported in the course of some years into India, probably includes the export of bullion from this country, making a considerable part of the whole; the rest must come from America and Foreign Europe. That there is little circulation of specie in our principal Indian settlements, is true. Paper constitutes the chief circulation there; but in all the interior of our vast possessions, specie only circulates; the manufacturer, the peasant, the trader can deal with nothing else. A great proportion, therefore, of the imported bullion, being coined into rupees, no doubt, circulates in the interior of our own possessions. But a part, I believe, goes to countries beyond them for the purchase of the productions of those countries, and does not return to us. In answer to the question, where the cargoes brought by foreigners from India are sold? I apprehend in foreign Europe and America.—But to return to the main subject; I must repeat that no conclusion can be drawn from any insulated document respecting it. It is a very complex subject, and I must deprecate any discussion, or the inference of any important fact from a partial view of it. Since the arrangement made respecting the private trade in 1801, many new facts have been established which the company will have to state; amongst others, that the enlargements since given to the private trade have, with other circumstances of the time, deteriorated the company's sales of Indian goods 30 per cent. Perhaps when the subject comes to be investigated, it may be found that the question between the company and individuals, as it relates to trade, is not entirely a question about lessening the share of neutral nations in the Indian commerce, and increasing ours, but partly a question about transferring to individuals a share of the trade now carried on by the company. In a political view the question concerning the extent to which individuals shall be allowed to embark in this trade, must be connected with another question far more important, whether India is to be governed on colonial principles, or by the more restricted system now in force? a question which I conceive involves the safety of our eastern empire.

Mr. *Francis*.—Sir, on one topic only I beg leave to explain myself. I am not at all satisfied with the explanation given by the hon. director, in respect to the specie, which, if it existed, ought to circulate generally through the provinces. He admits that there is little circulation of specie in our principal settlements. But he affirms "that a great proportion of the imported "bullion, being coined into rupees, no "doubt, circulates in the interior of our "own possessions." This solution of the difficulty seems to me full as extraordinary as the difficulty itself. If any great financier was to inform this house that, although there was not a guinea or a shilling to be seen in London or its neighbourhood, there was a plentiful circulation of both in Scotland, in Yorkshire, and in every part of the kingdom, at the distance of 50 or 60 miles from the capital, what would you think of his veracity or his intellects? Is it physically possible that the blood can circulate at the extremities, and never return to or pass through the heart? But I doubt the fact, and for this plain and unanswerable reason. Admitting that lord Cornwallis could find no money at Calcutta to pay the arrears of the army, still, on the principle of the present explanation, he might have found money enough in the districts. He might have raised such a sum as 200,000*l.* at least; and then he would not have been reduced to the deplorable necessity of taking that amount a second time in his own life, out of the company's ships, and changing its destination, from the provision of their investment in China to the payment of the army on the frontier of Oude, or on the banks of the Jumna.

Mr. *Brogden* supported the motion, as he thought the whole of this important question should be fully examined. He had himself, last session, proposed to bring forward a motion the same, if not in form at least in substance, with that then under consideration, but had abandoned the idea, as he was not certain of support to give effect to his proposition.

Mr. *Atkins* supported the motion, and suggested the propriety of producing an account of the total value of exports from, and imports into the East Indies, distinguishing the share of each nation engaged in the trade.

Mr. Secretary *Fox* had some doubts on the subject of this motion. The hon. director had said, that the production of this paper would not be sufficient to enable the house to form a complete judgment on the whole case, without the production of other documents. If this paper would lead only to an imperfect or premature opinion, he should certainly feel strong doubts of the propriety of granting it. Had the hon. director stated an intention to move for other papers, in order to bring the matter fully and impartially before the house, he for his part could see no reasonable ground of objection to its production; but as the case stood then, he did not think it right to grant any paper that would have the effect of leaving an imperfect impression on the minds of those who should consult it. Such it appeared was the opinion of the directors, and he could not help thinking, that that house and the country was fully willing to give to the judgment of that hon. board all the confidence to which it was entitled. But independently of their opinion, the hon. mover himself had not stated any ground of necessity for the production of this paper, or that he meant to take any proceeding upon it. He had indeed stated the contrary. There was another point connected with this motion which the hon. mover had perhaps in contemplation when he brought it forward: he meant the carrying trade of America. That this subject was now under consideration elsewhere, was tolerably notorious. It was not, he believed, unknown to any one who heard him, that a representation respecting it had been made to his majesty's govt. on the part of the United States. This representation was under discussion, and every necessary information would be sought for; but not, however, from any papers to be laid on the table of this house; not from any document of the nature of that moved for by the hon. gent.; but by application to all those who were most intimately acquainted with the subject at issue. Ministers would look for knowledge to aid their judgment through the proper channels. Among others, the directors of the India company would of course be resorted to: but upon a question of such delicacy and importance, no imperfect document would be trusted to, such as this motion proposed to influence the judgment of that house.

Mr. *Prinsep* stated his only object to be to bring an important fact before the house, out of which a very serious question would naturally arise, namely, whether the subjects of this country had such a share of the profits of the commerce of India, as was sufficient to atone to them for the incumbrance to which they submitted for the maintenance of that territory; and whether, if the same system was pursued, the territory would be worth holding? The hon. chairman had stated his opinion to be, that this country could never successfully contend with foreigners in the carrying trade; if so, it followed, that neutrals, with such free access to India as they now possessed, must inevitably carry off all that trade, except the slender portion which the imperial commerce of the company enabled them to support: He happily entertained a more cheering confidence: experience had taught him, that raw materials, produce of various kinds, and coarser commodities than the assortments in which the company traded,—though more bulky and therefore more beneficial to the support of our carrying trade,—that those very articles in which foreigners now dealt almost exclusively, might be brought home by

British traders in their own smaller-sized and cheaper-equipped vessels, with considerable profit to the trader, and to the great advantage of the revenues of this country. A sufficient supply of the raw instead of the manufactured material, would accelerate the period which he saw approaching, when the natives of India shall be supplied with cloth made here of their own cotton, leaving to the mother country all the profits of freight, agency, commission, insurance, and manufacture. All these and many other beneficial results would follow an extension of the privileges of the private trader, if no time was lost in taking up the question to which his motion paved the way. The hon. member felt himself obliged to bend to the high authority on the treasury bench, but still he would contend that the document he moved for would answer every purpose. If it did not, however, it was easy for the hon. director, or any other person, to move for such further papers as might be deemed necessary. The declining to do so, and still opposing his motion, he could not avoid thinking, shewed a disposition to blink the question.

Lord *Henry Petty* said, it was always the wish of his majesty's ministers to give every species of information which could lead to any distinct object or practical conclusion. It would, however, evidently appear improper, that there should be any discussion in that house, upon points of so much delicacy, and which were now the objects of important discussions elsewhere. But as there could not, with propriety, be any discussion in that house, upon those points, he thought it would be the best way of getting rid of the motion by proceeding to the other orders of the day. He, therefore, without any disrespect to the hon. alderman, thought it his duty to move that the other orders of the day be now read.

Lord *Castlereagh* was of opinion, that a commercial question of such magnitude and importance to the interests of India, and of this country, should not be brought before the house on any partial statement. If the question were to be examined by the house, it should be on much more general grounds. The principal reason, however, which made him concur with the noble lord who had moved the order of the day was, that he must most seriously deprecate any discussions in this house, which might at all influence, or prejudice, the discussion upon those points which were now the subject of negociations carrying on by his majesty's ministers. There would be no use in the production of those papers if no discussion was intended, as it was in the power of any individual member to get the information that those papers would convey, either from one of the directors or any person connected with the East-India company. He hoped his majesty's ministers would proceed in those important negociations with all that temper and forbearance which was due to a country whose interests had been so long connected with ours; and at the same time with that firmness and decision which were due to the rights and interests of this country, and without which our commercial relations could not subsist, either with America or any other country. He should wish this subject to be left to his majesty's ministers in the most comprehensive manner. There was one idea, however, he should venture to suggest, which if he had continued longer in office, he had intended to have carried into effect. He thought there might be an account of the Indian exports, imports, and the amount of the carrying trade, laid before parliament annually, in the same way that the account of the exports and imports of Great Britain were. Such an annual account would give to the house information of great importance with respect to India.—Mr. Alderman Prinsep, after a few words of explanation, withdrew his motion.

[MILITARY ESTABLISHMENTS.] Mr. *Windham* rose to give notice of his intention to move on Monday for leave to bring in a bill, for regulating the trade and commerce with the Cape of Good Hope. The right hon. gent. said, he would take this opportunity of stating, that he hoped in the course of the next week, to be able to fix a day for bringing forward the subject for which the hon. gentlemen were so impatient, and about which the country at large was naturally very anxious. He supposed that on Monday se'nnight he should be able to submit to the house the measures which his majesty's ministers meant to propose for the Defence of the Country; but this he did not mean to have now entered on the journals as a formal notice.

Mr. *Canning* wished to know whether the repeal of the Additional Force bill was to be among the measures to be proposed?—No answer was, however, given to this question.

[ORDNANCE ESTIMATES.] The house

having resolved itself into a committee of supply,

Mr. *Calcraft*, in proceeding to move the Ordnance Estimates for the year, expressed a hope, that in future years considerable deductions might be made from the amount of the present expence of this department. The estimates of this year for Great Britain were less by 300,000*l.* than those of the last year; but a large and necessary establishment for Ireland increased the expence in that country, so as to counteract this reduction in a considerable degree. There was, however, still on the general account a diminution of 180,000*l.* He moved, "that a sum of 2,957,181*l.* 6*s.* 6*d.* be granted to his majesty, for defraying the charges of ordnance for land service in Great Britain, for the year 1806."

Mr. *Wellesley Pole*, on examining the estimates now moved, found them precisely the same with those prepared by the late board of ordnance. There was merely a difference in a few items, the totals of which were not made up when the late board was in office, making the whole amount of the estimates about 7000*l.* more than the late board had made it. He thought it right to state, that these estimates were the estimates of the late board, adopted by the present, and hence he inferred, that the present board had not only found the estimates correct, but the general system of the late board wise and good. The reduction of 300,000*l.* on the British establishment was made by the late board. The increased preparations in Ireland, which the hon. gent. had acknowledged as just and necessary, were also adopted by the late board. The merits of the prospect of further reduction held forth by the hon. gent. were also due to lord Chatham's administration, whose attention and ability, with all the regard to economy which the actual and proposed reductions announced, had placed the country in a state of defence in which it never had been before; and of which the present board, with that good management he was disposed to give them credit for, could not fail to make use of for the public honour and advantage. He was sure the hon. gent., in omitting to do this justice to lord Chatham's administration, had been actuated by no wish to suppress the merit of that noble lord and his board, but that he merely felt it unnecessary to go at large into the subject.

Mr. *Calcraft* said, that he certainly had no wish to disguise the merit of the late board of ordnance. He had contented himself with so short a preface to his motion, because he understood that any debate this subject might give rise to was reserved till Monday. The present board of ordnance had certainly adopted the estimates they had found in preparation in the office. They had of course adopted the system contained in the estimates. This they had done because they found the works in many instances so forward, that unless nearly the whole cost of completing them were thrown away, it was expedient to finish them. There were also several works in contemplation, which were conceived by the late board to be essential to the defence of the country; and which it would be highly unbecoming in a new master of the ordnance to reject without due consideration. The present board of ordnance had, without absolutely adopting or approving of all the schemes, or thinking the whole system of the late board completely advisable, availed itself of the estimate prepared by that board, reserving the power of carrying forward and suppressing such parts of the plans of the late board as it might hereafter think proper.—The following Resolutions were then agreed to: "1. That 2,957,181*l.* 6*s.* 6*d.* be granted to his majesty, for the charge of the office of ordnance for land service for Great Britain, for 1806; 2. That 130,000*l.* be granted to his majesty, for the charge of the office of ordnance for sea service for Great Britain, for 1806; 3. That 129,230*l.* 15*s.* 5*d.* be granted to his majesty, to replace the sum advanced by the exchequer in Ireland for ordnance services in Ireland, to the 31st day of Dec. 1805, beyond the grants by parliament for the said services in the said year; 4. That 677,976*l.* 18*s.* 5*d.* be granted to his majesty, for the charge of the office of ordnance in Ireland, for 1806."

[EXCHEQUER BILLS.] Mr. *Vansittart* said, he meant to propose a resolution for liquidating the exchequer bills, the accounts of which had been referred to the committee. There was a sum of 8 million consisting of an issue of 5 million, and an issue of 3 million in the year 1804. There was another sum of 2½ million issued in 1804, and replaced by a fresh issue last year. It was now proposed to pay these bills off, but whether by fresh exchequer bills, or by other means, he was not prepared to say, till the Ways and Means should be considered; though he believed it would be found more desirable to pay them off by exchequer bills. There was a further sum to be provided for, to the amount of 1,500,000*l.* being part of 3 million advanced by the bank, in 1798, one half of which had been since paid, and this other half had been renewed, and remained to be provided for now.—The following Resolutions were then agreed to: 1. "That 8 millions be granted to his majesty, for paying off and discharging the exchequer bills made out by virtue of an act, passed in the last session of parliament, for raising the sum of 8 millions, by loans or exchequer bills, for the service of Great Britain, for 1805, outstanding and unprovided for; 2. That 2½ millions be granted to his majesty, for paying off and discharging the exchequer bills made out by virtue of an act, passed in the last session of parliament, for raising the sum of 2½ millions, by loans or exchequer bills, for the service of Great Britain, for 1805, outstanding and unprovided for; 3. That 1½ million be granted to his majesty, for paying off and discharging the exchequer bills made out by virtue of an act, passed in the last session of parliament, for raising the sum of 1½ million by loans or exchequer bills, for the service of Great Britain, for 1805, outstanding and unprovided for."

HOUSE OF LORDS.

Monday, March 17.

[MINUTES.] The marquis of Blandford was introduced, agreeably to his new creation of baron Wormleighton, with the usual formalities, sworn, and took his seat. His lordship's supporters were, the earl of Galloway and lord Grenville.—The Marine Mutiny, the Irish Malt Duty Regulation, the Greenland Ships Quota, and the Corn Exportation bills, were severally read a 3d time and passed.

[WOOLLEN MANUFACTURE SUSPENSION BILL.] Earl *Spencer* moved the second reading of the Woollen Manufacturers' bill. The noble secretary of state prefaced his motion by adverting to the importance of the subject of which the measure now proposed made a part; the necessity that existed for the bill's passing into a law, as the existing suspension bill would shortly expire; it was that alone which induced the bringing forward the present bill, which went to continue the suspension bill for a year longer. In the interval, the general subject, he hoped would, the proceedings being already in train in another house, be thoroughly investigated, and such steps taken in the present session, as would be attended with beneficial effects. In the mean time, under the circumstances of the case, their lordships must be aware of the necessity for the passing of the bill, and on that ground he moved the second reading of the bill.

Lord *Auckland* said a few words generally in support of what had fallen from the noble secretary of state; and, in addition, adverted to some proceedings which had taken place upon the subject, in the committee of the privy council, appointed for the consideration of such topics.

Lord *Grenville* followed on the same side. He seemed adverse to the principle of bills of the kind, but in the interval of the general subject of the woollen manufacture being thoroughly investigated, and a general law framed for remedying the evil complained of, a measure of the kind, merely to avert a greater evil, was deemed necessary; and nothing but the peculiar circumstances of the case, could induce him to support the bill.—The bill was then read a second time, and ordered to be printed.

[DISCOVERY OF TRUTH BILL.] The order of the day, for their lordships going into a committee on the bill for the more effectual discovery of Truth from Witnesses, being read,

Earl *Stanhope* rose, and observed, that an opinion had been suggested to him, and in which he most cordially agreed, that the best way would be to refer the bill in question to the consideration of the judges, with instructions to frame it, or to draw up another bill, so as to answer its purpose. He had been told, on a former night, that his bill was in a crude state; now, that was what he should like to debate, either in a committee, or out of a committee; on that head, however, he thought he had gained a victory over a noble and learned lord then absent. On the whole, he thought it was best to submit the present bill to the judges, as a more important subject than that to which it referred, could not exist; it was the more necessary, because their lordships had, to a bill very properly introduced by his noble friend on the woolsack, tacked certain provisions, suggested by another noble and learned lord, which, instead of improving the bill, only rendered it obscure and unintelligible, and which in the pending stage of the bill, ought to be rejected, in order to reduce it to its original clearness. In the view, and for the purposes he had stated, the noble earl moved to adjourn the committee on the bill till this day three weeks.

Lord *Ellenborough* observed, that he assented to the proposed adjournment of the consideration of the bill, with the hope that the bill, as presented by the noble earl, whether a crude bill or not, would, in that interval, receive that due and mature consideration, which one of its import evidently required. As the bill now stood, he was one of those who thought, that were such a law enacted, it would tend to let out truth in one instance, and close the door on it afterwards; it would, therefore, be productive of great mischief. He hoped the noble earl, in the interval proposed, would better consider the subject, and present it in quite another form; and, farther, that when it should come to be considered, the point whether the lords spiritual or temporal should have the priority in the bill, would form no part of the discussion.

HOUSE OF COMMONS.

Monday, March 17.

[MINUTES.] On the motion of Mr. Manning, the London Wet Dock bill was read a second time and ordered to be committed.—Sir Stephen Cottrell, one of the clerks of the privy council, presented to the house two books, containing "a Copy of the return or returns, made to the privy council by every archbishop and bishop, of the names of every dignity, prebend, benefice, donative, perpetual curacy, and parochial chapelry, within their respective dioceses, or subject to their respective jurisdictions, and the names of the several persons possessing the same who shall not have resided thereon by reason of any exemption under or by virtue of the act of 43 Geo. III. c. 84; and also of all the persons possessing the same, not having any such exemption or licence, who shall not have resided on such dignity, prebend, benefice, donative, perpetual curacy, or parochial chapelry, so far as the bishop is informed thereof." Ordered to lie on the table.—Mr. Irving, the inspector-general of the imports and exports, presented the accounts of the exports to the island of Tortola, and the orders of council relative thereto, which were moved for by Mr. Rose. Ordered to be printed.—On the motion of lord Henry Petty, a new writ was ordered for Jedburgh, in the room of John Dalrymple, esq. who, since his election had accepted the office of steward of his majesty's Chiltern hundreds.—The Mutiny bill, the English Militia Pay bill, the Militia Subaltern's bill, the Militia Adjutants' bill, and the Irish Militia pay bill, were severally read a third time, and passed.—Mr. Alderman Prinsep rose to give notice, that early in the next session he would move for a committee to be appointed to enquire into the state of the carrying trade of British India, unless it should be intimated to him before that period, that the proper board had taken that important subject into their consideration.—Mr. W. Wynne obtained leave to bring in a bill to amend the act of last session, appointing commissioners to enquire into the abuses in the paving, &c. of Dublin.

[IRISH MILITIA SERVICE BILL.] On the question, that the Irish Militia Service bill be read a second time,

Mr. *Whitshed Keene* rose to offer a few observations. He lamented, that the measure proposed to be adopted, in 1798, for the English militia to volunteer their services in Ireland, and the Irish in England, had not been carried into effect. It had been so, indeed, in a partial degree, by some English regiments of militia, but not at all by the Irish, which he was very sorry for; as the Irish militia, by coming here, would see how much was done by industry, and would receive a good impression of its advantageous consequences. In the north of Ireland, he said, the people were naturally industrious; and, from being so, had acquired property, and he believed them thereby strongly attached to the limited monarchy of this country, and not liable to be led away by any splendid promises, that might be held out to them by the inveterate foe of the united kingdoms, and his satellites, in case an invasion should take place. In the southern and western parts of Ireland, it was, however, different; there the people were poor and ignorant, and, in general, without property. Such people were apt to be led astray by idle stories, and promises of having land given them for their services, and might be induced to join an invading enemy. They would, therefore, be better in England, where they would be of real service, in a military capacity, and the militia of England would be a certain security for the defence of Ireland. The legislative measure of union had taken place; a measure which he voted for, and hoped would, in the end, be productive of the happiest effects; but it was impossible an act of parliament could eradicate old prejudices, and those who were poor and ignorant would, as he had before stated, be liable to all the bad effects of those prejudices, which might be removed by their being sent from home. At the breaking out of this war, he said, the government had resorted to a measure of raising sea fencibles, a measure which might do very well in England, but would not in Ireland. There were, however, in Ireland, many men upon the different coasts who were employed in a variety of small craft. Some naval officers had been employed by government to make a survey of the coasts of Ireland, and in doing so they had found, in the various harbours, creeks, and bays, a body of not less than 10,000 men, employed in craft of different kinds, who might, perhaps, become valuable assistants to an invading foe. He thought those men might be embodied and brought over to this country, with great advantage, to act in the capacity of sea fencibles. There would also a farther benefit result from employing them in this way. When the fertility of the Irish was considered, it was not going too far to estimate those men having families of five or six each; so that you would, in time, add to the population of the country, from 50 to 60,000 people. The hon. member mentioned several other good consequences which he thought would result from their mixing the Irish with the English militia, and hoped the bill would be productive of the most salutary effects.—The bill was then read a second time, and ordered to be committed to-morrow.

[COMMISSION OF NAVAL REVISION.] Mr. *Whitbread*, in pursuance of the notice which he had given, rose to submit to the house his motion on this subject. He said, that it must have been observed by the house, that in the ordinary estimates of the navy which had been laid on the table of the house by the member of the late administration, whose department it was to do so then, was an item of 20,000*l.* stated to be for the purpose of defraying the expences of the Civil Commissioners of the Navy. It was extraordinary that no information was contained in the body of the estimates of the intended application of that sum. The Commissioners of Naval Enquiry had sat for three years, and had been engaged during the whole of that time in an arduous course of public services, which they had most meritoriously performed, and yet no provision whatever had been made for a remuneration to them for their labours. These Civil Commissioners had been appointed but three months, and at the expiration of that period application was made to parliament to place the sum of 20,000*l.* at their disposal. It was certainly just that all those who were employed by the public should be paid by the public, but there should be something like decency in the mode of the application, and something like decency in the selection of the time at which such application was brought forward. In all former commissions of a similar nature, he understood it was the practice to reward the labour when the task was accomplished: in this instance the remuneration was demanded when the work was scarcely begun. He was far from throwing any imputation on the individuals who composed this commission. On the contrary, he trusted that they would be emulous of the justly deserved reputation of the commissioners of naval enquiry, and that the result of their exertions would be correspondingly beneficial to the public; but he still thought it his duty to require, that the intended application of the sum that he had alluded to, should be explained to parliament. Supposing that they should continue in the performance of their duties for two years, their salaries would amount only to 15,000*l.* and there would then be a surplus of 5,000*l.* for any contingent purpose. He thought it but justice to the commissioners of naval enquiry, to observe, that, during the whole of their 3 years extensive investigation, including the expences of their journies at different times to distant ports, and other incidental charges, the whole amount of the public money spent by them did not exceed 5,000*l.* He should therefore move, "that there be laid before the house, an Account of the intended application of the sum of 20,000*l.* forming an item of the ordinary estimate of his majesty's navy, for the year 1806; and stated on the said estimate to be for the purpose of defraying the expences of the commission appointed by his majesty for revising and digesting the Civil Affairs of the navy, in the years 1805 and 1806; together with any documents upon which such part of the estimate may have been founded; also any correspondence that may have passed between the admiralty and any of the persons composing the said commission, on the subject of the same."

Lord *Castlereagh* had no objection whatever to the production of this account, which would enable parliament to judge of the propriety of the estimate alluded to. He would confine himself to a single observation on one part of what had been said by the hon. gent. which was calculated to throw an undeserved aspersion on the proceeding in question. It had been the invariable practice with respect to commissions of this and a similar nature, that when they were appointed by parliament, they were not remunerated until they had accomplished the object of their constitution; but when they were appointed by the crown, parliament would have a just cause of complaint, if application was not made to them for remuneration in the first instance. With respect to the amount of the sum in question, the hon. gent. had himself accounted satisfactorily for 15,000*l.* of it. From the remainder would be paid the secretary, the clerk, &c. He however thought it perfectly right that the paper moved for ought to be produced, in order fully to explain the proceeding.

Mr. *Whitbread*, in explanation, observed, that if it was the practice when a commission was appointed by the crown, to make as early application to parliament as possible for a remuneration, then the late ministers had been culpably tardy on the subject.

Mr. *Bastard* approved of what had been advanced by the hon. gent. and thought that the country was highly indebted to the commissioners of naval enquiry appointed by the house, and that it was but fair to shew that they practised the same economy which they recommended in their reports.

Mr. *Wilberforce* did not see the fairness of comparing the simple expences of the commissioners of naval enquiry, unconnected with any remuneration, with the amount of the expences of the civil commissioners, united with their remuneration. He had understood from the noble person who was at the head of that commission, that it was his intention to relinquish his salary.

Mr. *Whitbread* declared, that he had no wish to make the comparison just stated. If what the hon. gent. had said was the fact, as to the relinquishment of salary intended to be made by the head of the civil commission, that would add 3000*l.* to the sum to be accounted for.

Mr. *Bastard* afterwards moved for, "an account of the expences incurred by the commissioners of naval enquiry in each year since the establishment of that board, specifying the items by which the same have been incurred, to the end of the year 1805," which was ordered.

[ORDNANCE ESTIMATES.] Mr. Alexander brought up the report of the committee of supply, containing the resolutions respecting the Ordnance Estimates. On the motion that these be read a second time,

General *Tarleton* took this opportunity of making some observations, which he felt it his duty to submit to the house. He was very anxious to know the fate of what had been so much ridiculed under the title of the Parish bill, a bill which was nevertheless become highly productive, having furnished in the last week 353 men. It was likewise important to ascertain the determination of government with regard to that very meritorious, very useful, and very respectable body, the Volunteers, who had been treated by a right hon. gent. (Mr. Windham) when he was on the opposition bench, with such derision. He had been a military man thirty years, a great part of which had been spent in active duty; perhaps more would have been so, had it not been for his violent attachment to some gentlemen whom he then saw on the treasury bench. He could assure the right hon. gent. that their ideas of war materially differed. He was not for setting to with all the formality of boxers, but of using every stratagem and every means within reach. It was now near the end of March, and our military preparations were standing still. Another right hon. gent. (Mr. Sheridan) had borrowed a naval cloak from a right hon. friend of his (Mr. Canning), but he had not found it warm enough to bring him down to the house, to move for the repeal of which he had given notice at an early period of the session. He remembered that right hon. gent.'s having compared a late administration (the one which preceded the last) to a team composed of black horses and bay, drawing different ways, by whom he predicted that the state coach would be highly endangered. He should like to know what he could say of the present government, in which there were horses of all colours and all descriptions, black, white, dun, and dapple, some pulling in one direction, some plunging in another, some kicking, others prancing; no accord, no union, nothing that could promise advantage to the country. With regard to the Ordnance Estimates before the house, they were those which had been formed by the late administration, unaltered and unimproved. He meant by this no imputation on the present Board of Ordnance, on the head of which particularly he passed a high encomium. In his opinion, the victory of Trafalgar had made a material difference in the situation of Great Britain. From that epoch we might consider the triumph of our navy as complete. We could not expect that the French would again dare to contend with us at sea, and we must therefore look to carry on the war in some other way. Unless some formidable continental confederacy could be formed to divert the attention of the enemy, we must expect about June, that the French troops would flock down to the coast, and in the flotilla with which their every creek and harbour swarmed, make some desperate experiment upon this country. He had no doubt that the best dispositions would be made to receive them warmly, but he could not help suggesting the propriety of not allowing Woolwich to be the sole depository of our means of defence. It behoved government to take steps to create some great central depôt. It might be said that one was forming at Wedenbeck, but this was not sufficiently central. He would advise one at Leicester, or Nottingham, in which every thing should be provided and ready for an army of 200,000 men. Under the present circumstances, should any contingency allow the French to waft a large body of troops over to our shores, it was very possible, that the British army might be compelled to act at an unfavourable juncture, merely for the defence of Woolwich, which from its nearness to the coast opposite to France, and from the rapidity with which the French troops were accustomed to march, would be in considerable danger. Every one knew the importance of a great arsenal. It was the capture of the Austrian arsenal in Vienna, that led to the treaty of Presburgh. No man would fight worse, because he knew every means were taken to ensure success to his exertions. Should a central depôt, such as he had recommended, be established; should the French land and be enabled to advance, the country might rely on the bravery of the people of the North, of the inhabitants of Yorkshire, of Cheshire, of Lancashire, who would thus have it in their power to combat, and there could be no doubt, ultimately, to defeat the foe. After a brief recapitulation, he concluded by declaring, in the words of Mr. Burke, "that he would rather be despised for too anxious apprehension, than ruined by too confident security."

Mr. *Calcraft* said, that instead of the question before the house, and the only regular one in discussion, the speech of the hon. general embraced such a variety of topics as rendered it extremely difficult to discover what was his principal object. He should not, however, follow him over a field so desultory and irrelevant, but confine himself to the subject of the Ordnance Estimates; with the merit or demerit of which, those who had now the direction of that branch of the public service certainly had little or nothing to do; nor could they have the most distant wish of assuming to themselves any share of the praise or dispraise to which it might be entitled, or to conceal from the house what every clerk in the offices belonging to that department must know; namely, that those estimates were formed by their predecessors in office. They found them ready formed, and under existing circumstances, deemed it eligible to adopt them; and so far from depreciating their merits, he was ready to defend their adoption, against any censure which might be thrown on them. The noble lord now at the head of that department had found, that great expenditures had already been devoted to the establishment of old works and systems of defence begun, which he deemed it much more eligible to complete and carry into effect, than to attempt the erection or establishment of new. With regard to those designs that had been only planned, but of which the execution had not been begun by the former administration, he admitted that some of them had also been included in the estimates now on the table; but the board did not therefore pledge themselves to abide by those plans. They might adopt them with exceptions, or reject some of them entirely, as should appear most proper on farther deliberation, or from the occurrence of new circumstances. In this case the money that had been destined for those services might be returned or voted to some other purpose. The only alteration in the present estimate, from that which was formed by the late board of ordnance, was an article against which the sum of 12,000*l.* was written; and comparing the same estimate for several preceding years, it had been found, on inspection, that the laboratory at Woolwich had annually exceeded 25,000*l.* It had been thought therefore, that, contrary to the former practice, the fairest way was to bring forward that specific sum in the estimates at once as necessary for that purpose. With regard to the removal of the depôt from Woolwich, which the hon. member seemed to advise, he confessed that it was not for him to decide on such a question. It was a military question of no inconsiderable magnitude, and would require deliberation. But this was not the only military depôt in the country: there was also another arsenal, situated nearly in the center of the kingdom, and for which a sum had been charged in the estimates; he meant the arsenal at Wedenbeck; which, as would appear from the estimates, had not been overlooked by the board. The hon. gent. concluded by repeating the reasons which had induced the present board to adopt the estimates of the former, which was a circumstance, he thought, that might have secured them from opposition.

General *Tarleton* said he did not mean to blame the present board, for adopting the estimates left them by the former. It had been his intention only to inculcate the necessity of establishing inland depôts, for the security and accommodation of the country in case of invasion. The arsenal at Wedenbeck, he represented as in a very defective state, not a single cannon having been provided for the security of those places.

Lord *Castlereagh* said, he rose from no intention to oppose the estimates now before the house, as they were the same that had been framed by his hon. friends formerly in office. He was anxious to know, however, if the present administration had it in contemplation to follow up that system of coast defence upon the Eastern coast, which had been so strongly recommended by his late right hon. friend (Mr. Pitt), and which it was his intention to have completed. He felt it necessary to mention this, as although it did not form an article in the estimates of ordnance framed by the late administration, and now brought forward by the hon. gent. yet it was fully in their contemplation as an essential part of the defensive system, and would certainly have been proposed, had his right hon. friend, on his return from Bath, been able to attend in his place in that house; for, in his opinion, there was no object more essential; because in presenting a strong defence on that point, should the enemy approach our coast, seeing the impracticability of making any impression in that quarter, their efforts would be thrown upon the flanks, in consequence of which they would be forced to traverse a considerable distance by sea, in endeavouring to direct their efforts to the northward or southward. In this case there would be great probability of their falling in with the heavy ships of our navy, and being totally defeated. He felt this point so important, that he wished seriously to impress it upon the minds of his majesty's ministers, and to express his hope that no attention to a false or delusive economy would induce them to be sparing in the expenditure necessary for our absolute safety. Indeed, from what he knew of the mind of the noble lord at the head of that department, he was convinced the importance of this consideration would be too deeply felt to stand one moment in competition with an ill-timed parsimony. He thought it also necessary to say, with respect to Ireland, that a plan of general defence was indispensible for the security of that country, and was also in the contemplation of his majesty's late ministers. It was certainly of the first importance to the safety of that island, that it should no longer remain in a situation in which an enemy, landing with an effective force, might march from one end to the other, unimpeded by a fortified post of sufficient strength to retard their progress. He therefore wished ministers might make up their minds to the necessity of a liberal expence to render that system fully adequate to the pressure of the occasion. He was ready to agree with the hon. general who opened the debate, as to the propriety of dividing the depôts of ordnance and arms, and, in pursuance of this plan, a central depôt had been formed, in which particular attention had been paid to an adequate supply of small arms and of ammunition fixed and unfixed. He had also the pleasure of informing the house that a train of artillery had also been added, fully manned and horsed; but that the artillery for our navy, with its appropriate ammunition, was so ponderous as not to be very easy of removal, and therefore the principal depôt still remained at Woolwich, with minor arsenals at Plymouth and Portsmouth.—He was sensible that this was merely a question on the Ordnance, but he would take the liberty, notwithstanding, of putting a question to the right hon. gent. opposite (Mr. Windham), though rather foreign perhaps to the subject. That right hon. gent. in answer to an hon friend of his, on a former evening, had expressed himself rather ambiguously respecting the Additional Force act. He had indeed admitted that it would form no part of the plan he was about to submit to the house; but he had not stated explicitly if it was in contemplation to repeal this act. So much convinced was he of the good effects of this act, and so anxious for its continuance, that, should it not be repealed, he thought the suspension, however unpleasant in the mean time, would be amply compensated by its continuance and vigorous execution. At the same time it became an object to know whether the bill was to be repealed or not, that those counties which had not conformed to its provisions might know in what situation they stood. For, the moment this bill should be discharged, without some legislative provision for the purpose, those parishes that had not raised their quotas would be indemnified from the penalties incurred by the said act. This certainly would be highly unfair, and be doing an injustice to those counties that had fulfilled their duty. But if it was intended, in order to avoid this injustice, to make those parishes pay the fines they had incurred, it was but fair also to put them on their guard, and to let them know the penalty to which they were liable. This would also have the farther good effect of doing the bill that justice in the execution to which it was entitled. The right hon. gent. therefore ought, not only to that house, but also to the public, to make a positive declaration of his intentions. The noble lord then proceeded to shew the strength and vigour which this bill had exhibited, notwithstanding the disadvantages under which it had laboured from the professed hostility of the present administration. Then adverting to the Volunteer system, he maintained it to be impossible that any thing like a volunteer, whatever might be the abilities of the right hon. gent., could look without dread and discouragement to any counsels that he was supposed to influence. The noble lord concluded by calling on the right hon. gent. to declare more explicitly his intentions respecting the bill; and should the bill be repealed, if he intended to levy the fines on the deficient parishes according to the spirit of the bill? On this and other questions connected with the military defence of the country, it was indispensible that an immediate determination should take place, and that the men of talents, of which the new administration was said to be formed, should hasten to exert those talents in a way calculated to be of service to the public. The patient might otherwise expire before the state-physicians had made up their minds, as to the prescriptions that ought to be adopted.

Mr. Secretary *Windham* said, that a right hon. gent. opposite him (Mr. Canning) had, on a former occasion, expressed an opinion that the new ministers ought to have been ready with their plan, in the space of three days after coming into office; but he surely ought to have considered, and the noble lord in particular should have repressed his impatience, by reflecting that the dilemma to which they were reduced, and which wanted so much explanation, arose from difficulties which the noble lord himself and his friends had created. Their military system had been so bad, that it naturally produced those difficulties. The strong expectation expressed on the other side of the house, of something new, was a proof, even in their opinion, that something more effectual was absolutely required to be done. The noble lord had very properly compared the present military system to a sick patient. But who had reduced the wretched patient to that languishing state? How came the patient to be in his present situation? Was it not the noble lord and his friends who had brought him to death's door? And yet, those who had brought the country to that state, were now loud in their reproaches against their successors, for not restoring the patient instantly to health. The noble lord wished to know, what was to be done? On this head it was very difficult to satisfy his enquiry. The whole of what had been urged on the other side came to this; the gentlemen felt that they had brought the country into difficulties, and expressed their surprise that ministers should be so long in extricating it from them. As to the admonition of the noble lord, with respect to the other topics upon which he had touched, he had only to say, that the attention of his majesty's ministers would be seriously directed towards them. To the other points on which the noble lord asked information, he had no answer to make; not that he was unprepared to give the answer, but because he did not conceive that the noble lord had any right to put the questions. He had nothing to add, therefore, to what he had said before on the subject; namely, that the question was under the consideration of government, and would, in due time, be submitted to parliament.

Mr. *Canning* thought the right hon. gent. might have given some answer to the question of his noble friend, relative to the course intended to be pursued with regard to the penalties. As the right hon. gent. had alluded to what had fallen from him in a former debate, he should briefly advert to his speech on that occasion. He had never said, that the right hon. gent. had made any declaration, that in three days, he would produce a plan to meet the necessity of the times. The declaration he alluded to was made before there was any prospect of an immediate change, on the first day of the session, when the right hon. gent. had observed, on a wish being expressed for some delay of the public business under the circumstances of the moment, that five days delay was the longest the military system would admit of. This declaration had been made under circumstances of a peculiar nature; and with what feelings, he left the house to determine. The right hon. gent. had wholly mistated the argument of his noble friend. He assumed, that it was admitted on their side of the house, that some remedy was necessary. But in their observations they did not compare the right hon. gent.'s measure with their own, but with his promises; not with the system hitherto acted upon, but with that which he had held forth. They compared what he was to do, with what he had promised he could and would do. A long delay had taken place since the accession of the right hon. gent. to power, and yet he did not think himself called upon to make any previous declaration to the house and the country, of the measures he proposed to adopt. But no person, who had attended to the discussions in that house for the last four years, would think the application for information on such topics very new. It was particularly to be expected from an administration, combining, as had been asserted, and as they themselves represented, and what he was not disposed to deny, all the talents, all the abilities, and all the experience and wisdom of the country, that they should be ready to bring forward their measures without much delay. The right hon. gent. had proposed many systems and advanced many theories for the public service before he was in office, and yet he had been so long in administration without either having made up his mind, or been able to persuade his colleagues to agree to his plan. If they were to agitate these questions with a view to draw from the right hon. gent. a premature disclosure of his measures, they would ill discharge their duty to the public. But it was to be recollected, that the late ministers wished for a varied force; the right hon. gent. on the contrary, would have it all uniform, that is, of the description applicable to foreign service. Was it not therefore alarming, that so much time should have been suffered to elapse without his having stated his intentions on this head? They wished to keep up the Volunteer force; he, on the contrary, though he did not depreciate or undervalue the Volunteers individually, had declared the whole system to be radically wrong. Was it not therefore alarming, and was it not natural, for those Volunteers, who, in a military view, had fallen under his suspicion, should be anxious to know, as early as possible, what measures the right hon. gent. meant to adopt with respect to them? Another source of anxiety arose from the circumstances relating to the Additional Force bill. A right hon. gent. (Mr. Sheridan) high in the confidence of the present ministers, had on the first day of the session given notice of a motion for its repeal. Was it not matter of great anxiety to know the course that would be pursued with respect to this measure? Another source of anxiety was the principle of responsibility being confined to the individual member of the administration, who was particularly concerned in the execution of measures. From this doctrine he differed. The aggregate, and not the individual, was the object of his confidence; and he did hope, that the present administration, though he could not say that he approved of the appointment of particular individuals to the departments they occupied, would be entitled to his confidence, because he saw that there was one great ruling spirit, one presiding soul, to guide, controul, and direct its measures. As a war minister, he could not approve of the right hon. gent., and he was sure that the opinion of nine-tenths of the nation was with him. If he judged of him according to a standard which had been recommended in another instance, by estimating the future by the past, he saw no reason to be satisfied with him in his present situation. The right hon. gent. wished to nourish that fine tree, the regular army, and to do so by clearing away all the rubbish, for that had been one of his plans. Another reason why he could not give his confidence to him was, a declaration made by himself, and which, without such declaration, he could impute to no man, that he had sat nine years in a Cabinet, though he disapproved of all its measures during that period, excepting the war.

Mr. *Windham* utterly denied the declarations that had been imputed to him. He had inveighed against the measure of the parish bill, without pledging himself to bring forward any specific measure in its place. That he had agreed during the nine years of his former administration with his colleagues in office in nothing but the war, he utterly denied having said. The war had been the basis on which he had gone into power, and was what he had regarded as the bond of union with that administration. Whether that conduct was right or not, it was not now a proper time to discuss.

Mr. *Whitbread* said, he gave credit to the right hon. gent. who had just sat down, for that open and manly enmity which he had so early and pointedly marked to the present administration: he admitted also the kindness of the noble lord who professed, in a manner which one would be inclined to consider as rather a little insidious, that it was not his wish to press the right hon. secretary to premature explanations upon the plans in contemplation. Indeed he had said, that it would be highly imprudent for the right hon. gent. to disclose any part of those plans, and yet the whole of his speech was composed of questions purposely directed to extort that disclosure. The anxiety of the noble lord seemed particularly manifested by his curiosity to know what was to be done with the Additional Force bill, and by his extreme solicitude, lest the same penalties and embarrassing exactions, to which one part of the country had been subjected, should not be extended to all the rest? He begged it, however, to be recollected, that the omission of raising men in those parishes, was not owing to neglect, but to impossibility; and that by much the greater number of them were unable to pay the fines they had thereby incurred. Rigorously to exact those fines would be a curious expedient, to prevent vexation in one part of the country, and of jealousy in another. The right hon. gent. who spoke last, was uneasy lest the Volunteers should take alarm at the present suspence, as to what measures were to be adopted respecting them. He had the honour to be a Volunteer, and he, for his part, felt no such alarm, and he was confident also that no such alarm could be felt by the Volunteers in general, as friends to their country, in consequence of any uncertainty under which they might remain until ministers brought forward their system. With respect to the wonderful efficacy so recently discovered in the operation of the Additional Force bill, he begged to know on what authority the right hon. gent. made his assertion? or how that bill, when administered by him and his friends, should be so unproductive, and yet so effective now that they had ceased to have the management of it? The hon. member said, he could not speak from official documents, for he had recourse to none; but he could speak from the authority of those who had recourse to such information, and tell the right hon. gent. that this recent efficacy in the bill was not the effect of its natural operation, but the work of crimps and recruiting officers, in turning over to the parish levies, men under size for the line and militia. In respect to the delay of which he had complained, six weeks only had elapsed since his right hon. friend had come into office; a period surely not unreasonable to require for investigating the whole military system of the country, and endeavouring to form a system free from those defects and blunders, with which it was fraught under his predecessors! As to the lecture of the noble lord to his right hon. friend, he should only say, that if there was any mark to direct to the proper course to be pursued, it was to do the very reverse of what the noble lord had adopted whilst he was a member of the administration.

Mr. Secretary *Fox* said, that at another time, he might be inclined to go more at large into the general topics that had been introduced into this discussion, but in the present instance he meant only to observe shortly upon some points that had been touched upon by the right hon. gent. opposite, (Mr. Canning). That right hon. gent. had stated, that the present administration comprised all the talents in the country; and he had even stated it in such a manner as might lead to a supposition that they had so represented themselves. He should be happy that the right hon. gent. would state on what occasion he had heard them so represent themselves. It was impossible that they could have said so, when they saw the right hon. gent. on the other side of the house. It would be ridiculous in any person to insinuate that ministry comprised all the talent of the country, when the right hon. gent. was out of office. Not only the right hon. gent. but his colleagues on the same bench with him, had made such a representation impossible, particularly by the display of talent which they had already made in opposition. This declaration he (Mr. Fox) made for himself and his colleagues. It was possible some of the friends of the present administration, thinking too highly of their merits, might from prejudice or partiality have so described them, but he thought it was hardly for the friends of a right hon. gent. lately deceased, (Mr. Pitt) to be the first to object to that species of compliment. He had never, so far as that right hon. gent. was concerned, observed the right hon. gent. opposite an enemy to panegyric; let him look to what he himself had said of his late right hon. friend, and perhaps he would not think the partiality of friends so unwarrantable. With respect to his right hon. friend near him (Mr. Windham), the right hon. gent. had said, that he had no opinion of him, nor any confidence in him as a war minister, and that 99 out of every 100 were of the same mind with him on this subject. This opinion the right hon. gent. immediately took as granted, and then went on—not to propose to turn him out—but to say, " Before you have fully matured your plan, explain to me the nature of it." Was it, he would ask, a fair inference of want of confidence, to require of his right hon. friend to tell them the nature of his plan out of time? His right hon. friend admitted he was not completely ready. In that case he presumed to think it extremely hard that gentlemen opposite should say, Answer us on a point on which you confess you are not ready. It was pretty well known that it was the wish of the right hon. gent. lately deceased, to get the friends with whom he (Mr. Fox) acted, to make a part of his (Mr. Pitt's) administration, and that such endeavours had been used with his right hon. friend (Mr. Windham), after he had made the speeches to which the right hon. gent. opposite alluded. It might, indeed, be said, that it was not in the contemplation of Mr. Pitt, to have given his right hon. friend the war department, but to have placed him in some other situation. If he (Mr. Fox), however, understood the right hon. gent. opposite, no change of place could have satisfied the right hon. gent., or removed his objections to his right hon. friend's holding any situation. He would have said, " It is not to the head of the particular department that I give my confidence, but to the whole of the ministry." The right hon. gent. talked of delay. It was not till the 7th of Feb. that his right hon. friend's writ was moved. The right hon. gent. (Mr. Pitt), to whom he was convinced the right hon. gent. opposite would not willingly impute delay, or any other bad quality, did not for four weeks after his return to power bring in his Additional Force act. There the time which intervened was nearly as long as in the present instance. There too, a single act only was to be introduced. Here there was a new system to be founded. There, however, no objection of delay was started, neither were any premature enquiries made into the nature of the plan which he intended to adopt. If there had been any such, how awkwardly must that right hon. gent. have found himself situated in declaring it to be built on a system such as he himself had been decrying within the last three weeks! The right hon. secretary declared that he could not figure any reason for putting any question like the present, but a wish to embarrass. What good motive could the persisting in it proceed from, when his right hon. friend had stated that he was not quite ready to bring forward his measure? If he was guilty of delay, why not bring forward against him a charge to that effect, and let his conduct be the subject of parliamentary enquiry? But what advantage could proceed from a premature declaration, similar to that now required? From what good motive could the wish to procure such a declaration, proceed? He should only put it to the candour of the right hon. gent. himself. If, before the plan of the military arrangements now in agitation had been ready to be laid before the house, his right hon. friend had at once moved for the repeal of the Additional Force bill, while nothing was ready to substitute in its stead, what would the right hon. gent. have said? Would he not have said; " Here, this is your haste to shew your triumph over the gentleman who is now no more? Could you not have waited with patience, and allowed the act to take its course till you were ready with a substitute?" He would appeal to the right hon. gent. if that would not have been his conduct; and, if his right hon. friend now said that this bill formed no part of his plan, did it not follow that this was not the time to investigate or discuss its merits?

Mr. *Canning*, in reply to the appeal made to his candour, acknowledged, that if the Additional Force act had been repealed before the new system was proposed, he should not only have arraigned it as an impatience to obtain a triumph, but also have contrasted it with the conduct of his right hon. departed friend, who did not repeal the act of his predecessors, until he had a substitute ready to replace it. For some years, the right hon. gent. (Mr. Windham) had been saying, that a proper system of defence might be formed by any other than drivellers, by getting rid of the existing incumbrances; but now it appeared, that he did not find the task so easy as he was in the habit of representing it to be.

Mr. *Perceval* thought that the different topics which had been discussed this night, would come more properly before the house on a future occasion. He thought, however, that it was hardly correct in the right hon. gent. (Mr. Fox) to say, that it was impossible the question could have been put from a good motive, more particularly as his noble friend did not press his question concerning the plan which the right hon. secretary (Mr. Windham) had in contemplation, but limited it as to the penalties. This he thought was a reasonable and proper question, as, while it was suffered to remain in suspence whether they were to be levied or not, it acted with a double disadvantage. With regard to the expectation that had been said to exist on this side of the house, he denied it to be peculiar to this side, and thought it not unreasonable, considering the pledges that had been held out. The right hon. gent. had been in the habit of considering what had been done on this subject as mere drivelling, and representing it as necessary only to clear away the rubbish. It was not wonderful then that some disappointment should be felt when he was so backward with his plans. For his own part however, he had met with no disappointment. He never thought the right hon. gent.'s plans would be realized. He never believed that better plans could be got than those now existing.

Mr. *Fox* explained, that he ascribed no bad motives to any one, and had only said that he could see no good one for those enquiries.

Dr. *Laurence* agreed with the hon. gent. who had just sat down, that this was not the time to enter into a discussion on the subject. He however thought the conduct of the gentlemen on the other side was so extraordinary, that he could not refrain from adverting to a few particulars. They had required his right hon. friend to make a statement of certain parts of his plan, when he had already declared, that the plan he intended to propose, was not entirely arranged. It seemed as if their object was to induce him to make declarations, which hereafter might be stated as a curb on his actions. But what man would be so absurd as to make declarations, when they were so likely to be mistated? when, in the debate of that very night, such misrepresentations had been made of former declarations? In fact, they could not be depended on: and he thought his right hon. friend had acted wisely in avoiding them entirely.—The Resolutions were then read and agreed to.

[AFFAIRS OF INDIA.] Mr. *Paull* moved that an order of the house, of the 27th of Jan. last, for the production of certain papers relative to the management of Affairs in India, be read; which being done, the hon. member stated, that upwards of 9 months ago, he had moved for certain papers, which he intended to make the foundation of charges against the marquis Wellesley; on the 27th of Jan. last, he had moved for other papers of a similar nature; and on the 1st Feb. an hon. member (Mr. Wallace) had moved for certain other papers, with a view of vindicating the noble marquis from the charges which he (Mr. Paull) intended to bring against him. Without imputing it as any blame to the present ministers, he had to state it as a matter of complaint, that though the papers which he had moved for had been ordered so long previous to the others, yet that those papers which formed the noble marquis's defence, were in the hands of the members of the house, while those which he had moved for, and which formed the ground of charge against the noble marquis were, in a great measure, not yet on the table of the house. He therefore moved, "that returns of the papers contained in the order of the 27th Jan. be made forthwith."

Mr. *Wallace* said, he had repeatedly stated to the hon. gent. the reason why these papers had not been before produced. At the time the changes in administration were likely to take place, and that, of course, there was to be a great alteration in the board of controul, the gentlemen who composed that board thought it better to leave the papers, collected as they were, for the inspection of those who were to succeed them in office, and to allow them to exercise their discretion on them. With respect to the papers for the defence, which were produced before the others, he had only to state that they were collected, and ready for printing, at the time they were moved for, and were, of course, instantly laid before the house.

Mr. *Fox* thought, that if the papers for the defence were produced, and the others kept back, the matter should be explained.

Mr. *Hiley Addington* said, that the papers with respect to Oude, were so voluminous, amounting to 5 or 6 folio volumes, that though they were left ready by the former Board of Controul, yet a considerable time was necessarily consumed by the present board in examining into them, to ascertain whether they could with propriety be laid before the house.

Lord *Castlereagh* said, that towards the close of the last session, when these papers were moved for, there was no backwardness, on the part of the board, to bring them forward; but they were so voluminous, that it was impossible it could be done in the course of that session. When, at the commencement of this session, affairs took a different turn, he was not ashamed to say, that, in consequence of the changes which were about to take place in the administration, he, and those who then acted with him, left it to their successors to examine into these papers, and consider of the propriety of granting them or not.

Mr. *Creevey* said, the papers would be made out as soon as they possibly could.

Mr. *Kerr* reprobated the idea of gentlemen moving for papers of such magnitude, which were useless, inasmuch as few gentlemen read them. He reprobated the practice of publishing papers relative to the affairs of India, under pretence of criminating the marquis Wellesley, as it disclosed to the enemy much information which might hereafter prove mischievous to our India possessions.—The question was then put, and the return ordered to be made forthwith.

Mr. *Paull* then rose and said:—Sir; I shall trespass very shortly on the patience of the house, and I shall abstain, as much as possible, from any mention of the noble marquis, who is the object of my accusation: but, sir, if I abstain from applying the terms I think the conduct of that noble lord towards the nabob of Surat merits, it will proceed from no dread of the violence and asperity of a noble lord under me (Temple), who is so ready on every occasion, to extend the broad shield of his protection, and that of his connections, to the character of the late governor-general of India.—Before I proceed to lay the grounds for the charge I have given notice of, I must detain the house one moment, and call their attention to the grounds of charge already on your table, which will show, that the papers I am this night to move for are most essential, not only to establish the oppression and injustice towards the nabob of Surat, but to prove a leading feature in the system which lord Wellesley acted upon from the hour of his arrival, until, by his removal, he was prevented from further mischief, from further acts of injustice and oppression.—There are now, sir, the grounds of four charges against that noble lord before the house; the dethroning of the nabob of the Carnatic, the seizure of Oude, the illegal appointment of Mr. Wellesley, and that relating to the war and peace with the rajah of Bhurtpore. The first was brought forward by a right hon. gent. (Mr. Sheridan) who is not now in the house, but who stands pledged to the house and the country to proceed in the enquiry. His character is so high, his acquaintance with this subject so extensive, and the part he has taken in the investigation of Indian offences so well known, so honourable and so conspicuous, that it would be presumptuous in me to bring them to the recollection of the house. I shall not anticipate the contents of the Oude papers, or say any thing more as to the appointment of the hon. Mr. Wellesley, than that the declared, decided opinion of the Directors is on my side, both as to the illegality and the expediency of the appointment; nor would I now revert to the conduct of the war against the rajah of Bhurtpore and the peace with that prince, but to say, that, let his conduct be proved to have been ever so treacherous, ever so abandoned, ever so perjured, I retract not a tittle of my accusation against lord Wellesley, for that war and for that peace.—By the papers that are before the house, the dethronement of the heir of the house of the ancient and illustrious princes of the Carnatic is defended, on the score of the treasons committed by their allies of the English nation; the seizure of Oude and the appointment of Mr. Wellesley in consequence of the expediency of the measures, and the war in Bhurtpore by its justice, and the peace, as a boon from the humanity of the late governor-general.—If the papers are granted this night that I shall move for, they will contain the proofs of the unjust assumption of the rights and revenues of a high and respectable prince, the representative of many sovereigns, the faithful unsuspected ally of the English nation, against whom treason nor rebellion, nor treachery, nor the stale plea of expediency, can be urged in vindication of the acts.—I shall allude, sir, to nothing that has fallen from any hon. or right hon. gent. in this house, on any former occasions; but, sir, I must say and state to this house, that declarations are abroad, and in this house, that have excited serious alarms, dismay, sorrow, and I would almost say despair, in the minds of every true friend to liberty, of every friend to justice. It is said, sir, that his majesty's ministers are to set their faces against retrospects of every kind as to India; this, sir, I never can credit: but should even that be the case, whilst I must deeply regret the circumstance as being fatal to the ends of justice, yet still I shall proceed, in a cause which has lost me many powerful friends, made me many powerful enemies; a cause in fact in which I have lost every thing except my consistency and my integrity. My object is retrospect, and again to show to bleeding irritated India and to Europe, whose eyes are fixed on our decision, that if offences have been committed in India, that they will not pass unpunished. For what, sir, I ask, was the emaciated worn-out Mr. Hastings brought to the bar of the house of lords? Was it, sir, to inflict a punishment on that gent. worn out by a 33 years' residence in a tropical climate? That certainly, sir, was one object, but trifling and contemptible, compared to the other grand objects that the illustrious characters had in view who managed that impeachment. They, sir, proclaimed aloud that their object was example; that their object was, to warn all future Indian governors from injustice, from oppression, from aggrandizement at the expence of British faith and honour; they were to hold out to the latest posterity an example, that no talents however great, no character however amiable in some respects, would shelter the oppressors of the weak and the invaders of the defenceless. In consequence of such principles, was Mr. Hastings brought to a trial.—Exclusive of the acts in your statute books, the impeachment of Mr. Hastings formed a new system for Indian government; that impeachment, sir, was a solemn declaration of the opinions of the representatives of this nation; and on that system, the ever-to-be-lamented lord Cornwallis acted; he scorned to enrich himself or his employers, at the expence of British faith and honour; and whilst he lay expiring at Ghauziepore, he could say with truth, that the prince or the peasant of Hindostan, from him never received injustice; for his acts, no Indian had ever cause to put on mourning. His worthy and hon. successor, lord Teignmouth, followed the same system: but, sir, with these noblemen your system ended; and what system was adopted by a nobleman who was a member of this house when the impeachment was voted, I shall not attempt at present to describe; suffice it to say, the Carnatic has been seized, Oude divided, Furruskabad usurped, Surat invaded; Bundichund, Rohillehund have exchanged their masters; the half of the Marhatta empire was added to the English possessions; in short, from Cape Comorin across to the Bay of Cambay, from the Bay of Cambay to Balasore roads, from Balasore roads to the frontiers of Tartary, hardly a spot is to be seen on the map of India, that does not bear the bloody characteristic mark of the East-India company; and still no retrospect, it is said, is to be had, as to the causes of the fatal events which we so much deplore.—If such, sir, is to be the decision of this house, it is only for me to bow with deference and respect to that decision; but if hope is to be conveyed to India, and if a chance of prosperity can be entertained, I hope the house will grant the papers I have this night moved for; and if they constitute crime, that this house will show to India and Europe, that the same principles that induced the decision in the case of Mr. Hastings, still survive in the British house of commons. I shall conclude, sir, with moving, "That there be laid before this house; 1. Copies of all letters and enclosures between the late gov. gen. marquis Wellesley and the Bombay govt., relative to the privileges of the East-India company in the city of Surat, previous to the assumption of the rights and revenues of a prince called the nabob of Surat, from 1798 to the conclusion of a treaty with that prince in 1800.—2. Copies of the original draft or drafts of treaties forwarded from Bengal to the hon. J. Duncan, governor of Bombay, to be entered into by the nabob of Surat; with the instructions for carrying the same into effect.—3. Copy of the Treaty between the company of the nabob of Surat in 1800.—4. Copy of the correspondence between the governor of Bombay and the chief or resident at Surat, relating to the assumption of Surat.—5. Copy of the minutes of conference between the governor of Bombay and the nabob of Surat, his buckshee (a minister of state) or other of his highness's officers or relations during the negotiation.—6. A Return of the Troops doing duty in the castle of Surat, with the distribution of the several guards in Jan. 1800.—7. Copies of orders for the embarkation of troops from Bombay to Surat, from Jan. 1800, until the conclusion of the treaty; and of all orders from the commanding officers at Bombay to the officers commanding at Surat during the same period.—8. A Return of the Troops doing duty in the castle and town of Surat, with their distribution of the several guards, &c. during the negociation of the treaty."

Lord *Temple*, while he protested against such voluminous productions without any specific reason being assigned, declared, that on the part of his noble friend the marquis Wellesley, he courted the enquiry. In the present instance, the papers were moved for, merely for the purpose of fishing out a charge against his noble friend. He was, however, anxious that the papers should be brought forward, and that the marquis Wellesley's conduct should be investigated; indeed, he conceived, that it would now be doing no more than justice to that noble lord. With regard to Surat, he would state how that place was particularly circumstanced. Previous to 1753, the nabobship of Surat had been, for many years, in the possession of one family. In 1759, a treaty was made with the then nabob, by which the castle and fleet of Surat were put into the possession of the English; and in 1800, the marquis Wellesley entered into a treaty with the nabob, by which the latter was allowed greater privileges, and a greater extent of territory, than he had had for a considerable time before, together with a yearly stipend of a lac of rupees. The conduct of the marquis with respect to Surat would be found irreproachable.—His lordship then read as part of his speech, a resolution of thanks by the court of directors to marquis Wellesley for the very service which was the subject of the present motion. He concluded by saying, that if the hon. mover had any regard for, and wished to serve and oblige, marquis Wellesley, he would advise him to pursue his enquiry; and, if he had any regard for himself, he would advise him to put his motions in his pocket.

Mr. *Hiley Addington* observed, that when it was said by him or his noble friend, that they did not mean to oppose the production of the papers, it was not to be understood that they meant more than such papers as were proper to be laid before the house. He then adverted to the transactions concerning Surat, and concluded by informing the house, that when these papers were produced, it would be necessary to bring forward a great many more, the printing of which would take up much time.

Lord *Folkestone* thought there was sufficient ground laid for the motion. It appeared from the statement of the noble lord, that the noble marquis had given something to this prince. If he had done so gratuitously, what right had he to assume such a power to himself? If he gave this to the prince of Surat, he must have taken it from some person else.

Sir *Theophilus Metcalfe* rose, and said:—As the noble lord and my right hon. friend have correctly stated the relative situation between the company and the nabob of Surat, it will not be necessary to go over the same ground: I will therefore confine myself to pointing out how far the subject of the hon. gent.'s charge against the noble marquis is connected with Guickwar. And here it may be necessary to state, for the information of those gentlemen who have neither time nor inclination to look into Indian subjects, that the Guickwar is one of the Mahratta chiefs who hold a part of Guzzerat as a tributary to the Peishwa. In 1780, general Goddard, who commanded a Bengal detachment on the western side of India, conquered a part of Guzzerat; and placed Futty Sing, the head of the Guickwar family, in possession of the country, declaring him independent of the Poonah Durbar. Mr. Anderson was sent, in 1781, to conclude a peace with the Mahrattas, and experienced some difficulty with the Madajee Scindia, about the proposed independency of Futty Sing; but it was at last settled, and the country ceded to him by gen. Goddard was guaranteed by the 8th article of the treaty of Sulbey, subject only to the peishcush, or quit-rent. On the death of Futty Sing, two brothers started as competitors; and on that occasion, Sir John Shore contended that the company had a right to interfere, and were bound to support the Guickwar, in consequence of the treaty of Sulbey. Gov. Duncan in 1800, having obtained from the nabob of Surat the sovereignty of that city for the India company, applied to the Guickwar to relinquish his claim of choute or tribute, and grant to the company 10 or 12 miles of territory round the city of Surat (to prevent the disputes which had frequently occurred from contending parties); and which Govindkow readily consented to, with warm professions for the English, and made no other terms for the cession than to request he might have a hundred Bombay sepoys as an honorary body guard. When this cession was made, it was thought prudent not to take possession of the country, as it might start a difficulty in the negociation then carrying on at Poonah by the governor-general. Govindkow dying, the eldest son took possession of the musnud. He was soon dethroned by his brother; who in a short time was displaced by the officers of the father, and the eldest son again appointed to the succession, with a minister to manage the affairs of the Guzzerat. At this period both parties courted the British power, and a voluntary offer was made to the Bombay government, to confirm the cession of territory and the relinquishment of choute which had been formerly made by the father. The consequence of these proceedings is, that the city of Surat, which contains upwards of 800,000 inhabitants, and had for many years been in a state of constant broils and disturbance, from the city being under the government of four parties, the Nabob, the English, the Peishwa, and the Guichwar, is now placed entirely under the servants of the India company, who preserve internal tranquillity, and the city is increasing fast in riches and population.—Now, sir, I beg leave to ask the house, whether in these transactions the slightest blame can be cast on the governor-general, who had little more to do than to approve or disapprove the measures of the Bombay government? What has been stated by the noble lord is perfectly true, that for upwards of 50 years the company have invariably interfered in the appointments of all the nabobs of Surat; and the nabob set up in 1790, sat on the musnud for 10 years, without any approval from the mogul, and held his power entirely under the authority of the Bombay government; and I can venture to assure the house, that if they peruse all the records of the India-house, that they will not find any matter that can throw more light upon the subject of Surat, than the members present are now in possession of. The hon. gent. who stands forward as the accuser of lord Wellesley, has now laid two charges upon the table, namely the business of Bhurtpore and of Surat; the house will judge how far they deserve the name of charges. What I complain of is, the extraordinary mode of proceeding in this attack. The hon. gent. was no sooner seated, than he gave notice of his intention to accuse the late governor-general of certain offences, and moved for papers respecting Oude; but, passing them by, he calls for papers of finance, to prove the company had violated an act of parliament. Finding this ground not tenable, he returns again to the marquis, in the manner the house has lately witnessed. The greatest enemy of lord Wellesley will admit his government was marked by many instances of zeal, energy, talent, and ability, which never were excelled in that part of the world, and I fear never will be equalled. To this I must add, that the breath of scandal never tainted his character with the slightest suspicion against the most incorrupt honour and integrity. It is a fact known to all India, that he quitted the government with as clean hands as he took possession of it. Hard, very hard, is it upon such a character, after having for 6 or 7 years executed the arduous duties of the most consequential office a subject can be placed in, to the best of his judgement, with no other object in view than what he conceived would eventually turn out to the benefit of his employers, to the advantage of his country, and finally lead to the permanent peace and tranquillity of India; to find himself assailed on his arrival with such charges as have this day been dwelt on by the hon. member! Let not the house conclude, from what they have heard, that no enquiry has been made into the conduct of the late governor-general. The board of commissioners, and the court of directors, have not been neglectful of this part of their duty. Every transaction of the government-general has been minutely scrutinized and investigated. If the noble lord who was lately at the head of the board, was in his place, I should with confidence appeal to him, whether in the course of the voluminous dispatches sent to India, there appeared any favour, partiality, or affection? The executive body of the India company, where the law has placed the power and right to censure or approve, have with firmness expressed their sentiments on every measure that did not meet their approbation; now, sir, under these circumstances, I cannot bring myself to believe, that if there were any grounds for further enquiry, either with a view to a civil suit or criminal prosecution, the king's ministers, or the court of directors, would have left so important a business to the honourable gentleman who has undertaken the task. But, supposing the late administration had felt a desire to screen lord Wellesley; is it likely that the new administration will follow their example, if, when they have time to look over the records, they see cause for further proceedings? And in that case, an enquiry will come forward with that weight of character which belongs to them, and under the influence of official situation: and in such an event there will not be a dissenting voice to any investigation they may think proper to propose to parliament. With respect to the production of the papers moved for, I shall only say, that they ought to be carefully examined before they are produced to the public eye.

Mr. *Hiley Addington* stated in explanation, that a considerable portion of the contents of the papers, if the motion should be carried, ought to be withheld, and suggested the propriety of giving the board of controul a discretionary power to that effect.

Dr. *Laurence* said, he felt disposed to give every credit to marquis Wellesley for the energy with which he had conducted his Indian administration; but he could not help feeling also, and the impression was augmented by the grounds upon which the production of papers was opposed, that there was such a presumption of delinquency made out, as would justify him in voting for the motion.

Mr. Secretary *Fox* thought himself called on to notice in a few words what had fallen from the noble baronet. If the hon. baronet meant that he had come into office without any improper desire to serve either one or other party, he was correct. If he were called on to state, taking the system pursued by the two noble marquisses, Wellesley and Cornwallis, as general principles, which of the two he liked best? he should say, the latter, as being most agreeable to the principles laid down by this house, and most to the credit and benefit of the East-India company. If again he were asked as to his opinion of the delinquency of marquis Wellesley, he should say he had none. He had not yet formed it, and if he had, this was not the time to declare it. When the time came, he should act as the case seemed to require. The right hon. secretary defied any one to prove, that he had either in or out of parliament, either directly or indirectly, given encouragement to the hon. gent. (Mr. Paull) to proceed in his present endeavours to obtain a parliamentary enquiry: he took some share of blame to himself for having, of late years, paid too little attention to India affairs. With regard to enquiries, tending to crimination, he thought it, generally speaking, better for the ministry to abstain from interfering, and to leave the task to other members of the house. He thought such questions were best discussed when no weight was lent to the accusation, except what it derived from the individual who preferred it, and from the cause of truth.

Mr. *Huddlestone*, after what had fallen from an hon. baronet in the course of this debate, thought it proper to state, that the court of directors of the East-India company had no objection to the production of any papers that might be thought necessary to an enquiry into the late proceedings in India, and that they did not apprehend any ill consequences from the publication of the papers moved for. He was induced to say this, lest it should be supposed, that what had been so strongly expressed by the hon. baronet, respecting marquis Wellesley, were the sentiments of the directors, with respect to the administration of that nobleman.

Sir *T. Metcalfe* said, he had not been delivering his opinion in the house as a director of the East-India company, but exercising his judgment as a private member of parliament.

Mr. *Robert Thornton* said, that from the manner in which the hon. baronet had expressed himself, he might well be construed to be delivering a more extended opinion than his own. He had, however, stood alone in the court of directors, as the panegyrist of marquis Wellesley, whose conduct the directors disapproved, and considered extremely detrimental to the interests of the company. The circumstance of the court having been obliged to send out another noble marquis, to remedy the injurious measures of his predecessor, was a sufficient circumstance to prove the necessity of an enquiry. There were several papers connected with the late Indian administration, which ought to be before the house, and which the East-India company would be very happy to see investigated; particularly one, to which he could not at present give a proper title, but it was expressive of the opinion of the court of directors on the government of India. It was intended to have sent out this paper to which he alluded, but its transmission had been prevented by high authority. After the suspicions which were abroad, the house was bound to look the thing in the face, and the country required it.

Mr. *Paull* replied at considerable length to the different speakers, and called loudly on the house to notice the protection extended to save lord Wellesley by a part of the administration, (he alluded principally to lord Temple and Mr. H. Addington). He hoped, he said, the house would notice it, the public he was sure would, and the manner he had been deserted by those, who had taken a part formerly to bring this nobleman to justice. But his principal reply was directed to the hon. bart. (sir T. Metcalfe) who had advised him (Mr. Paull) to abandon the prosecution. He stated that not only would he proceed, but that it was known to the right hon. secretary (Mr. Fox) that he had still two charges to prefer, of a most serious nature, against lord Wellesley for the seizure of Furrukabad, and for profuse, wasteful, unauthorized expenditure of the revenues committed to his charge, and for applying to his own use large sums of the public money, contrary to the act of parliament limiting the allowances of the governor-general to 25,000*l.* per annum, and to the use of the houses of the company abroad. That the single article of "Durbar charges" in the time of extreme distress for money, and all the departments of the service in arrear, exceeded by 100,000*l.* per annum, the most profuse expenditure of any of his predecessors. That the sum squandered away unnecessarily would be found on investigation to exceed two millions of pounds sterling. The hon. gent. concluded by saying, that he had hoped many generous minds would have been found, to have shared with him the toils of bringing to justice this nobleman, so highly protected, and that he did not yet despair, after seeing what two directors had stated this evening. However, if left with but one voice more in the house, he would record on the journals of parliament his sense of the conduct of marquis Wellesley; and posterity would see the charges, and enquire into the causes that had prevented his being brought to punishment.

Mr. *Wellesley Pole.* Does the hon. gent. mean to say, that the noble marquis has misapplied the public money for his own advantage?

Mr. *Paull.* I mean to say that he expended large sums of money, contrary to the act of parliament, for his own convenience, his own show, and splendour.

Mr. *W. Pole* felt it necessary to ask the hon. gent. again, whether he meant to state that the noble marquis had diverted the public money to his own private purposes and advantage?

Mr. *Paull* repeated, that his charge was, that the public money was expended for purposes of convenience, splendour, and show.

Mr. *W. Pole.* Does the hon. gent. mean to bring forward a charge of peculation? He has stated his intention of making a new charge, and I expect a distinct explanation. This is the first time that the breath of calumny has dared so to accuse marquis Wellesley.

Mr. *Paull* did not mean to accuse the noble marquis of peculation, but repeated his charge, that he had applied the public money for his own convenience, splendour, and show.

Mr. *W. Pole.* I must understand, then, that the hon. gent. means to say, that the noble marquis has misapplied the public money for public purposes. I can easily conceive that he may mean to say, that too much money has been expended on the palace of Calcutta, or that the guard had been unnecessarily increased; but I still wish to know, whether he means to say that marquis Wellesley has used the public money for his own private advantage? The house will feel the justice of my request of a distinct answer to this question.

Mr. *Paull.* I mean distinctly to charge marquis Wellesley with wasteful, profuse, unauthorized, extravagant expenditure of the public money, and with misapplication of the same to purposes contrary to law.

The *Speaker* then put the question on the several motions, for the production of papers, as made by the hon. mover in the early stage of the debate; when

Mr. *H. Addington* proposed as an amendment, that the words, "so far as these various documents may be disclosed, without prejudice to the public service," might be added to the original motion.

Mr. *Paull* thought the object of this amendment, by withholding what the right hon. gent. might chuse to consider state secrets, would be a great impediment to obtaining necessary information.

Mr. *Wilberforce* said, he felt jealous of the system of secrecy which was creeping into practice; he hoped this amendment would not be considered as a precedent, as there was no calculating upon the extent of the mischief that might arise from the practice of adding amendments of this kind.

Mr. *H. Addington* replied, that what it was wished to withhold, merely related to certain papers respecting the Indian coast, not relevant to the point intended to be elucidated.—The question as amended was then put and carried.

HOUSE OF LORDS.

Tuesday, March 18.

[MINUTES.] Lord Collingwood's Annuity bill was read a third time and passed. —Mr. Alexander brought up the American Treaty bill, the Wool Exportation bill, the English and Irish Militia bill, the Militia Subaltern's bill, the Militia Adjutant's bill; which were severally read a first time.

[WITNESSES' DECLARATORY BILL.] On the third reading of the Declaratory bill, earl Stanhope moved to leave out the proviso which had been added to the bill by lord Eldon.

Lord *Ellenborough* said, he had framed a clause which he intended to propose as a substitute for the proviso, and which he thought would answer every purpose intended to be provided for by the noble and learned lord (Eldon), whilst at the same time it would obviate the objections made to the proviso by other noble lords. Instead of referring generally to the practice of courts of equity, which had been objected to as not being consonant with the practice of courts of common law, he proposed to state specifically the exceptions to the general rule laid down in the bill. In the clause he had drawn up he proposed to enact, that no mortgagee, or *bonâ fide* purchaser, or possessor of an estate should be compelled to answer any question, the answering which might probably tend to defeat his title, or incur a forfeiture of his estate. He meant, of course, a civil forfeiture; as in the case of a widow, who on marrying again forfeited property, she should not be compelled to answer a question as to the fact of her marriage.—On a question from lord Holland, lord Ellenborough replied, that he proposed to substitute his clause for the whole proviso which had been added to the bill, on the motion of the noble and learned lord (Eldon).

The *Lord Chancellor* expressed his approbation of the clause, which he thought would answer every purpose intended by the proviso.—The further consideration of the bill was then postponed till to-morrow, to give time for the engrossment of the clause.

HOUSE OF COMMONS.

Tuesday, March 18.

[MINUTES.] Mr. Stedman, from the Stamp Office, presented an account of the arrears and balances in the hands of the distributers on the 10th of Oct. 1805, and also on the 5th of Jan. 1806.—Mr. Shaw Lefevre presented a petition from the governors of St. Luke's Hospital, complaining of a surcharge which had been imposed upon them for servants who were indispensably necessary to the purposes of the hospital; and also, that the commissioners to whom they appealed had confirmed the said surcharge. The petitioners therefore prayed for the interposition of parliament. When the petition was read, Mr. Shaw Lefevre stated, that if the business were not taken up by government, he would take occasion to propose that all hospitals, and other charitable institutions, should be exempted from the operation of the Income Tax. The propriety of such an exemption was, he thought, forcibly suggested by the case stated in this petition.—Mr. H. Addington gave notice of a motion for to-morrow, relative to some orders on the books for the production of certain documents relative to India. The object of his motion he described to be this, that those who immediately presided over the affairs of India should be invested with a discretionary power, as in other cases, to withhold any of the documents, the production of which might appear to be injurious to the public service.

[DUBLIN PAVING BILL.] Mr. *W. Wynne* brought in a bill to amend an act, made in the last session, for appointing commissioners to enquire and examine into any irregularities and abuses which might have taken place in conducting and managing the paving, cleansing, and lighting the streets of Dublin, and for making several provisions relating thereto; and to suspend proceedings in certain actions or suits under the said act. Upon the motion for the first reading,

Mr. *Alexander* took occasion to animadvert upon the conduct of lord Hardwicke towards the late Paving Board of Dublin, which was composed of respectable persons, but whose character had suffered much in public estimation in consequence of the measures taken by lord Hardwicke for the suspension of their powers. From this suspension an idea had gone abroad that they had been guilty of some malversation.

Mr. *W. Wynne* said, that lord Hardwicke had thought it his duty to institute an enquiry upon the subject referred to by the hon. member. The proceedings of the commission of enquiry would be speedily printed, and when laid before parliament would speak for itself. Lord Hardwicke had, pursuant to the act, granted the sum allowed to other commissioners, while the paving corporation was subject to enquiry in order that the streets of Dublin should be kept in proper repair.

Mr. *Long* did not conceive the case of the paving corporation at all prejudged or prejudiced by the course which lord Hardwicke had taken; that course struck him to be extremely proper.

Lord *De Blaquiere* vindicated the conduct and character of the paving corporation, of which he described himself to be a member, and desired that any charge which could be alleged against them might be immediately brought forward.

Mr. *Ormsby* thought a slur was cast upon the character of the paving board, by the conduct of lord Hardwicke.—After some further remarks, the bill was read a first time.

HOUSE OF LORDS.

Wednesday, March 19.

[WOOLLEN MANUFACTURERS' BILL.] The house resolved itself into a committee on the Woollen Manufacturers' Suspension bill. Mr. Adam, the counsel, was proceeding on behalf of certain clothiers in the counties of York, Gloucester, and Somerset, who had petitioned respecting certain parts of the bill; when he was stopped by the committee; and counsel being ordered to withdraw, earl Spencer expressed his opinion that the petitioners were not entitled to be heard on the grounds stated in their petition, the principle of the bill being merely to continue, for a further period, the Suspension act of last session. Lord Ellenborough was of the same opinion. Earl Fitzwilliam took the opportunity of stating, that he consented to the bill only on the ground of a general law on the subject being under consideration. The bill was proceeded in, passed through the committee, and was reported without amendment. Lord Auckland then presented another petition against the bill, from certain clothiers in Yorkshire; to which lord Ellenborough took an objection as to a point of form. Lord Holland and earl Spencer thought it would be dealing hardly with the petitioners if they were not allowed to be heard by counsel against the bill, merely on account of a trifling informality. It was at length agreed that counsel should be heard for and against the bill, on the 3d reading tomorrow.

[WITNESSES' DECLARATORY BILL.] On the further consideration of the Declaratory bill,

Lord *Ellenborough*, after adverting to the clause which he had yesterday stated his intention of proposing to substitute for the proviso added to the bill on the motion of lord Eldon, said, that he had been unable to frame the clause so as to satisfy his own mind. He therefore thought it would be the best way to omit the proviso altogether, and leave the bill simply declaratory, as originally proposed by his noble and learned friend on the woolsack, leaving it to the house of commons to add any clause which they might deem advisable.

The *Lord Chancellor* said, he had originally concurred in the proviso proposed by his noble and learned friend (lord Eldon), in deference to the opinion of that noble and learned lord, and because he thought that the proviso could do no harm. It was his opinion, however, that if the bill passed as a simple declaratory bill, the law would stand thus; that if a witness objected that answering any question stated would render him liable to a civil action, such a naked and general demurrer would immediately be over-ruled; but if out of the particular situation of the witness, or the circumstances of the case, there should arise any special ground of objection, it would still be in the power of the judge to decide upon such special objection according to the law as it should appear to him, he not being compelled by this declaratory law to over-rule such objection in the first instance.

Earl *Stanhope* contended, that if the bill was passed as a simple declaratory bill, without any proviso, it would declare that to be law which had not been acknowledged to be law by any of the judges, or by any noble and learned lord in that house.—It was then agreed to omit the whole of the proviso, and leave the bill as it originally stood, merely declaratory of the laws. The bill thus amended, was read a 3d time, passed, and ordered to be sent to the commons.

HOUSE OF COMMONS.

Wednesday, March 19.

[MINUTES.] A new Writ was ordered for the county of Kilkenny, in the room of the right hon. W. Brabazon Ponsonby, now lord Ponsonby.—Mr. Bond, took the oaths and his seat.—The Scotch Creditors' bill was read a 3d time and passed.—The Customs Expiring Laws bill, the Excise Expiring Laws bill, and the Felons' Transportation bill, were severally read a 2d time.—Mr. Vansittart moved, that there be laid before the house an estimate of the sum wanted to discharge the interest of the Exchequer bills that might be paid off in the course of the year 1806.—The 10,500,000*l.* Exchequer Bills bill was read a first time.—Mr. Williams, from the Commissioners of Naval Enquiry, presented an Account of the Expences incurred by that Board for each year, since the period of its institution.

[IRISH MILITIA SERVICE BILL.] Mr. Alexander brought up the report of the Irish Militia Service bill, which was read; and the question being put that the said report be agreed to,

Mr. *Lee* observed, that he had not been present on a preceding day, when an hon. member (Mr. Keene) had delivered his sentiments at large on the object of this bill. He entirely concurred however with that hon. member in thinking that nothing could be more advantageous to both countries than an interchange of their respective Militias. He disapproved however of the manner in which this object had been effected for three years past. This bill seemed now to be considered as an annual measure; it had been introduced immediately after the union; it had been passed as a measure of course last year, and was now passing the house in the same manner. But instead of this bill being regarded as an annual measure, he wished to see its object carried into effect on the ground of the union of the two countries. From this union the Militia of the one country ought to be that of the other. To put the Militia on this footing in the three united kingdoms, would, he conceived, be for the advantage of all the kingdoms, and would render their union more complete. Besides he did not like the idea of asking men to do what it really was their duty to do independently of any measure of this kind. The inconveniences arising from this proceeding must be strongly felt, should the defence of either of the countries require the immediate service of the Militia of the other. It would then be a very unfit time to call men to deliberate whether they would extend their services or not, when the existence of the country might depend on the rapidity of their movements. From the manner, he admitted, in which the Militia was now raised, such a bill, legally considered, might be necessary, as the men were attested only to serve in one of the countries; but it was for this very reason that he most earnestly wished to see the subject undergo a radical discussion, and such arrangements made as might make it necessary to attest the men for service in any part of the united kingdom. The origin of the present practice he believed had taken its rise from the circumstance of the Militia having been raised in England only, and not either in Scotland or Ireland, but since the two countries were now on an equal footing in that respect, the practice was not only no longer necessary, but highly improper, as tending to perpetuate distinctions that were hostile to the cordial and complete union of the two countries. So much was he convinced of the truth of these observations, that should his majesty's ministers, in the military plans they were on the eve of laying before the house, not make any satisfactory arrangements on this subject, he should certainly think it his duty to bring the question formally before the house. He hoped, however, that a subject so important would not escape their notice, and for that reason declined saying more at present, only that he gave his assent to the bill as a temporary measure, which ought as soon as possible to be superseded by some fixed and permanent principle.

General *Tarleton* was of opinion, that any discussion on this subject was at present premature. The late memorable and glorious victory of Trafalgar put an end to all apprehensions of invasion, so that in this point of view there was no room for those embarrassments the hon. member had alluded to. The discussion was also premature in another respect, as those plans were not yet before the house which were expected from ministers on the military defence of the country, and it would be highly improper, he thought, to embarrass their proceedings, or anticipate their views on this subject. When those plans shall have been submitted, it will then be time to point out their defects, and to provide such remedies as their deficiencies may require.

Lord *Folkestone* was not aware that such a bill was before the house, till the hon. gent. got up to speak on the subject. He perfectly concurred with him, however, that such a bill ought not to be brought annually before the house. If it was a proper measure, it ought to be rendered permanent and embodied in the constitution of the militia. But whether at the same time, he should agree with the propriety of the measure at all, was a question that would remain for him to determine when the subject should come more formally before the house.

Lord *Castlereagh*, in reply to the first speaker on this question, respecting the great disproportion in numbers between the Irish and English Militia, stated, that it had been considered as a matter of policy by his majesty's late government to have the militia establishment in Ireland as high as possible, as it did not at all interfere with the recruiting of the regular army, the bounty of three guineas, which was that given by the Militia, bearing no proportion to ten and twelve guineas, which was the bounty offered by the regulars. His lordship observed further, that the vacancies that took place in the Irish Militia from recruiting into the line were easily filled up, and at a very small expence, as the colonels of those corps had only to receive a compensation of three guineas, which was the bounty for a new man. This circumstance contributed to keep the Irish establishment so very numerous, and at the same time was one of the readiest means of recruiting when necessary the disposable and regular force of the country. For this reason he should be glad if a similar system were adopted by his majesty's new government in the arrangements they were about to submit to the house.

Mr. *Vansittart* said, as the whole of the military system of the country was soon to be brought forward in one connected view, it would be much better to have any arrangements that might be thought necessary on this subject included in that general view, than to have it discussed in a detached form. The bill, however, was intended for immediate application, and would not at all interfere with any future arrangements.—The report was then agreed to, and the bill ordered to be read a 2d time to-morrow.

[AFFAIRS OF INDIA.] Mr. *Hiley Addington*, pursuant to his notice of yesterday rose to make his promised motion respecting the papers that had been lately ordered to be laid before the house, relative to the Rajah of Bhurtpore. It was not his intention to affect in any degree the general nature of that order, or to move for any thing new on the subject. The object of his motion was merely of a verbal nature, and originated, as he conceived, in an omission in the terms of the motion by which the papers had been ordered to be produced. On the general principle that nothing should be laid before the house that might prove prejudicial to the public service and interests, he wished to introduce a restriction to this effect in the said order, as parts of those papers might be highly improper to be made public. He did not at the same time make this proposition from any certain conviction that there was any thing improper in those papers, though he had a general impression that it might be so; not having perused them so as to ascertain this circumstance. The right hon. member, without apprehending any opposition, rested chiefly on the ground of his motion being not unprecedented; for which purpose, he quoted the terms of the motion made for papers respecting India, also in June 1805, by an hon. gent. (Mr. Francis) now in his place. The order for the production of the papers, relative to the Rajah of Bhurtpore, having been therefore read, he moved "that the said order may only extend to such parts of the said papers, as may be disclosed without prejudice to the public service.—On the question being put,

Mr. *Francis* rose and said: Mr. Speaker; I flatter myself that the part, which I hold myself bound to take with regard to the present motion, will not be attributed by the right hon. gent. to personal disrespect, or to any doubt about the purity of his intentions. I can assure him that my opposition to it is founded on a very different principle. This declaration is sincere, and ought to be unnecessary. By yielding to make it, I cannot but feel that I submit to some sort of degradation. It looks like an apology, which no man ought to make, for doing any duty incident to his station, and still more to the trust that belongs to it. Such however is the prevailing fashion of these feeble times. I comply with it now, but I protest against it. The best of us, I fear, have enough to ask pardon for, without requesting to be forgiven for any virtue we have left. But, even in that sense, the solicitation fails. He, who confesses in any form that he has no confidence in himself, will never obtain the confidence of others, and least of all by phrases and protestations. An order was made, on the 11th of this month (see p. 401) for the production of papers relative to the Rajah of Bhurtpore, a person whose country, if he has any, is in the heart of the peninsula of India, and whose name was never heard of in England until we were informed, by a multitude of private letters from lord Lake's head quarters and from Calcutta, that the commander in chief had laid siege to Bhurtpore, had made five attempts successively to carry the place by storm or assault, had been as often repulsed with an immense slaughter of our troops, particularly of the Europeans, and had at last concluded an accommodation with the Rajah on worse terms, than he might have obtained in the first instance, without a siege, without the loss of one drop of blood, or injury to the honour of the British arms in the eyes of the natives. These are the facts, into which I understand that some enquiry is to be made or proposed hereafter. That question is not before us now. Of course I shall not meddle with it. The object, to which I shall endeavour to draw your attention, is of far other extent and importance, than any thing that concerns the production of these papers. It is the dangerous practice, which has, in fact, prevailed within these two years only, without due consideration, or even notice, but which, if now confirmed upon debate, will be established as a precedent for ever. I mean, sir, the discretion left with the king's ministers, to produce or withhold any part of the papers ordered by this house, or in effect to comply with the order, or to defeat or elude the intention of the house, just as they think fit, or in whatever degree it may suit their own purposes to evade it. No reasonable man, I think, can suspect me of applying so extensive an inference or of imputing so criminal a purpose as this, to the motion immediately before us. The case of the Rajah of Bhurtpore is too remote, too inconsiderable, and too slightly connected with any personal interest here, to warrant a suspicion that the board of controul has an intention or desire to withhold any of the papers, relative to this rajah, which were ordered a week ago. Neither do I believe that the noble marquis whose conduct is in question, or any of his friends, feel much concern in the present motion, or that they care at all how it is decided. This, sir, is exactly the situation, in which I should be glad to argue the question; that is, to be at liberty to dismiss the particular case, and to consider nothing but the general precedent. All I desire is, that the house may recollect and remember that it is sometimes under favourable circumstances, and still oftener in cases, which are thought of no consequence and pass without observation, that dangerous precedents are established. They are not instantly regarded, because they have no immediate operation, and the remote consequences are not foreseen. But they thrive in silence and grow under neglect, while they appear to be forgotten. Bad examples are prolific. They increase and multiply, and never fail to bring forth fruit in due season. Bad men will resort to them hereafter and turn them to purposes, which they, who originally gave the example or set the precedent, never thought of.—This is an English, much more than an Indian question. The fundamental privileges of this house, and through us, the rights and privileges of the commons of this united kingdom are involved in it. The right hon. gent. proposes that the orders already made shall extend to such parts only of the papers in question, as may be disclosed without prejudice to the public service; and this clause or condition, he says, has been attached to every order for Indian papers, that has been made in the present or in the last session of parliament. It is true. The practice I believe began with me, and very much against my will, in the session of 1804, though I did not then weigh the consequences of it so carefully as I ought to have done. I yielded unadvisedly, but not without remonstrance, to a pretension, which I ought to have opposed. The noble lord (Castlereagh), in every successive instance, assured me that he would not consent to any motion for Indian papers, without the addition of this clause. So I submitted to his power against my judgement; because otherwise none of the papers I moved for would have been granted. Since that, the practice has prevailed and gained ground; and, if it be not effectually resisted now, will never be disputed hereafter. A discretion to judge of the extent of the obedience due to an order of this house is said to be necessary to be lodged somewhere out of the house, for fear of prejudice to the public service. By whom is this discretionary power contended for? By the ministers of the crown. In whose hands is it to be vested? In the same ministers. And who is to judge, or indeed who can possibly know, whether the discretion, so claimed, be really and *bonâ fide* governed, in its application and exercise, by its own pretended principle? Are there no other purposes, to which such a power may be applied? What check have you over it? In what form is discretion to be controuled? By what evidence can it be convicted of a criminal abuse? The circumstances must be flagrant indeed, in which a guilty intention can be brought home to any man, whom you leave to his judgment, and who says he has acted to the best of it. No reasonable man would deny, nor in fact was it ever disputed, that cases are possible, in which a general order may include some particular papers, or passages, which, for the public service, ought not to be disclosed. But are the same ministers, who are to execute the order, the proper persons to be consulted, in the first instance, how far they ought to obey it? Is it to be left to them to frame the order upon themselves with such qualifications perhaps, as may enable them to defeat the intention of the house, to suppress the most material evidence, and make it impossible to convict the most notorious offender, while the very persons, who do all this, are sheltered and screened from detection, by their own exceptions grafted on an order, which they ought to obey without reserve? The true parliamentary principle, and which in fact has governed the practice of the house of commons until very lately, was stated to you last night by one of the most virtuous and respectable members that this house possesses; I mean the hon. representative of Yorkshire, whom I am sorry not to see in his place. He said that the course to be observed in the supposed case, as it always had been, was, not to trust ministers with the previous right of selection; but to oblige them to come to parliament and state the fact; if they thought that any papers, included in the general order, contained matter of information, which the house itself would not think it right to divulge. Undoubtedly, sir, such cases of necessity require confidence in the executive government. There must be a discretion confided somewhere; and, if the house of commons does not think this or that ministry fit to be trusted with it, they ought not to suffer such persons to be ministers. A reasonable and necessary confidence would not be withheld. On that side there is no danger. But let it never be forgotten that jealousy of ministers is a prevailing and almost a fundamental principle of the house of commons, and that confidence in them is, in almost every instance, nothing more than a specific exception to the principle. This general reasoning, in my opinion, is strong in itself, and irresistible on its own mere principle. If any man thinks it wants illustration, let him apply it to the case of an impeachment. But first let him call to mind what an impeachment is, in its true parliamentary sense. I say that the capacity of this house to impeach any man, whom they think guilty of high crimes and misdemeanours, is the right hand of the house of commons, and the most powerful weapon placed in that hand by the constitution of this kingdom, for the defence of all our own rights and privileges in the first instance, and ultimately for the protection of the people. In the ancient parliamentary language of this house, I say that "an impeachment is "virtually the voice of every particular "subject of this kingdom, crying out against "an oppression, by which every member of "that body is equally wounded.*" We cannot abdicate this right even for ourselves, without ceasing to be a house of commons; much less can we abandon the duties attached to the right, without breach of trust to our constituents and to all the commons of the kingdom. Now, sir, of what avail is it to impeach, if the evidence can be withheld from us, or garbled or selected for us? and that perhaps by the very persons, who are the objects of the prosecution, or by others intimately connected with them in relation, in friendship, or by office, perhaps by their associates, and possibly by their accomplices? These are some only of the consequences, to which the present motion, if it should now be made a precedent, is liable. If, with the conviction I feel on the whole of the question, I did not oppose it to the utmost of my power, I should deserve to pass for one of the meanest and basest of mankind, and I should know that I deserved it. I therefore declare that I shall take the sense of the house on the question, if the right hon. gent. should persist in pressing it. Nay, I shall not stop there. If the question should be carried, I will take the earliest opportunity, and the most effectual course I can, to bring it again under the consideration of the house.

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* See Journals of the House of Commons, 26th May 1679.

Mr. *Hiley Addington* said, he had considered his motion so much a matter of course, that if he had in his contemplation any possible objection to it, he should have intruded on the house by stating the grounds on which he made it. It was not the present Board of Controul that made the precedent. They found it, and in a motion made by the hon. gent. himself last session. The hon. member had done him the justice to allow that he had no improper motive in making this motion. He thanked him for his good opinion, and hoped, that on this occasion he had acted under the influence of no improper bias. But even supposing this were the case, and that from attachment to the noble marquis he should be anxious to keep back any information from the house, could he be supposed possessed of that influence necessary to succeed in such a hopeless attempt? Could he be supposed to have influence enough with all the members of the board, to be able to keep back evidence, from such motives and on so flimsy a pretext? The conduct of the board, in the whole of this business, had shewn their sentiments to be very different. They had not refused a single paper that had been asked. But, however willing the board might be to withhold any information on the grounds alledged, was it in their power to do so without incurring disgrace? Were there not members in that house sufficiently acquainted with those documents, to know whether any of them were withheld? Would the directors permit any such connivance on the part of the board, without making such remonstrances as would expose the motives of their conduct? Such a discretionary power, he thought, might with safety be invested in the board. Their responsibility was a pledge to the house, that such discretionary power was not likely to be abused, and it was a power that had always been given.

Lord *Folkestone* by no means agreed with the right hon. member who had brought forward this motion, that such a discretionary power could be lodged with safety in the hands of any board. Should they be invested with this power, they might make any use of it they pleased, and at the same time not be responsible. He did not consider precedent as a good argument in favour of this measure. Such precedents were not to be followed, for if the measure itself was bad, it could not be justified by any precedent, and to adopt it would be only adding another precedent for a bad measure. The discretionary power he would allow to reside in his majesty's ministers, but he would by no means concede such a power to any board whatever. And even this discretionary power he insisted was only given to ministers on certain terms; they were not invested at large with such powers, but were entitled to come to the house and state their objections to the production of any particular paper, or any part of a paper on public grounds, and the house relying on their responsibility, were entitled to sustain their objections; but such an extended discretionary power as was proposed by this motion, invested without any controul, even in ministers, would be extremely dangerous, and if not granted to them, how could it be reconciled with propriety to grant it to any board whatever? The fair and open way, he thought, for gentlemen to follow on this occasion, was, after perusing the papers, and finding some parts of them of a nature not to be laid before the house, to come down and avow it, and receive permission, on their responsibility, to withhold them. The argument the right hon. member had used in favour of his motion made more against it than for it; for if he had not perused the papers, how could he know that they contained any thing that was not proper to be laid before the house? While he avowed his ignorance of this circumstance, nothing could be more improper than so extended a discretionary power. He hoped the hon. gent. who had opposed the motion would persevere in his intention to take the sense of the house upon it.

Mr. *Francis* said, in explanation, that in his motion of June 1805, he had introduced no such discretionary power. It had been introduced by others, and he had been induced to accede to it, or otherwise lose the object of his motion. He did not, therefore, the less condemn the practice.

Mr. Secretary *Fox* found himself involved in some difficulty on this occasion. The precedent had been established last year. If a question had been started upon it then, or if it was a new question now, he could have no difficulty in saying, that he should prefer adhering to the old practice of leaving ministers on such occasions, to act on their general responsibility. He admitted that there were two ways in which a discretionary power might be given to ministers: the first was, as a noble lord opposite (lord Folkestone) had very justly stated, when ministers came down to the house, and representing in general terms the prejudice it would be to the public service to communicate more particular information on any subject, they were permitted on their responsibility to withhold this information. The other, which perhaps was the more recent way of the two, was restricting any order of the house for information, in such terms as beforehand admitted the ministers to withhold it at descretion, without assigning any reason, or taking notice of the particular article, such matters as they might judge expedient. At the same time, he should observe, that there was no such material difference between the ordinary discretion exercised by ministers, when called on to produce papers, and that contained by the present motion. The orders of the house were generally for copies or extracts of the papers called for. Who were to give these extracts, but the ministers who exercised their discretion in withholding such parts, the discovery of which might be injurious to the public service? Here, however, the papers were not in one or two confidential hands alone, but in those of a variety of persons who would quickly discover if thediscretion demanded was abused. The agreeing to the motion therefore, in this case, was not a consideration of great importance, or rather it was one of no importance at all. As he had already said, if this were a new question, he should incline to object to the motion; but considering that similar additions had been made to all the orders on this subject, not only during last session, but two nights ago, in the case of Surat, without being seriously objected to, he would rather recommend to his hon. friend (Mr. Francis) to withdraw his opposition, he (Mr. Fox) saying that if a new case should occur, in which the objection was made, he should support it. The responsibility, he thought, would not be very different, with or without the words. He had seen cases in which papers had been produced at the discretion of those in whose hands they were, the production of which, if by motion in this house, he should have opposed. He rather thought in this case, where so large a production was called to be made, the discretion might be allowed.

Mr. *Bankes* thought it incumbent on the house to put an end as soon as possible to bad precedents, as well as to avoid creating any. Should the present question be carried, it would strengthen the former precedents, and render them still more dangerous. They were not to regard it as relative to India only, but as applicable to any other case that might come before the house. He was a little surprized at the manner in which the right hon. secretary of state had just expressed himself: he had owned that he supported it only because there was a precedent for it, and that if it were a new question he would reject it; such a precedent should, therefore, be done away as soon as possible. The hon. gent. suggested the propriety of withdrawing the motion till his right hon. friend should have an opportunity of examining the papers; and if he should find any part that could not be safely produced, he pledged himself to support his motion upon the statement of that specific ground.

Lord *H. Petty* concurred with the noble lord who had spoken, that the species of responsibility which he had recommended, resulting from an application to the house, on the part of ministers, in particular instances, and after assigning their particular reasons, was certainly the best. He agreed with his right hon. friend near him (Mr. Fox), as to the responsibility of ministers, and thought that in this case nothing more was asked than what had been very lately acceded to without any objection. He was convinced his right hon. friend who brought forward the motion, had no view in it but what arose from a salutary caution; but as the house seemed to think the precedent not a good one, he wished for one, to revert to the former practice, and would recommend it to his right hon. friend to withdraw his motion.

Lord *Castlereagh* stated the ground upon which he had recommended the insertion of similar words to those then under consideration, in the order of last session, to have been founded on a wish to prevent improper papers being produced. The Marhatta papers that had been produced to the house, contained many passages that should not have been made public. The court of directors did not conceive they had any direction when they had received the orders of the house, and therefore laid them in full before it; but this was not a new practice. The same words had, he believed, been inserted in the order for papers on the first Mysore war. He advised the house to consider, before they should reject a motion which was fraught with such convenience to the public service.

Mr. *Bastard* believed the motion had been made from no improper motives. He condemned the precedent on which it was founded, and insisted, that on this principle there could be no use for notices respecting such motions, as no examination would be necessary to ascertain the propriety or impropriety of the production of any papers previously to their being moved for.

Mr. *Wilberforce* felt himself much obliged to the noble lord opposite for the candour with which he had expressed himself, and imputed no blame to the right hon. gent. who had made the motion, but at the same time had no hesitation in opposing it from principle.

Lord *Temple* contended that no responsibility resided in the directors, but only in the board of controul, and that it was with the board the house had to transact any business, or to give any instructions. The question, he thought, in the course of the debate, had grown into an importance that it did not deserve. He had no objections however, that the old mode of responsibility should on this occasion be resorted to, though the motion appeared to him to be as respectful a way of treating the house.

Lord *Morpeth* thought the responsibility of ministers should be whole and entire, and hoped the motion would be withdrawn.

Mr. *H. Addington* said, ever since his noble friend's objection, he wished to withdraw his motion, but seeing many respectable members desirous to deliver their opinions, he had refrained from doing so till they had spoken. He assured the house he had no idea of there being the slightest objection to it, but as there was, he would, with the leave of the house, withdraw it; which was accordingly done.

HOUSE OF LORDS.

Thursday, March 20.

[MINUTES.] The American Treaty bill, the Mutiny bill, the English and Irish Militia bills, the Militia Subalterns bill, and the Militia Adjutants bill, passed through committees, and were reported.—On the third reading of the Woollen Manufacturers' Penalty Suspension bill, Mr. Harrison was heard on behalf of certain clothiers of Yorkshire, petitioners, against the duration of the bill. The object of his speech was to induce the house to alter the term fixed for the duration of the bill from 12 to 6 months, in order that there might be a better chance of some permanent measure relative to the subject being adopted during the present session. Counsel having withdrawn, Lord Auckland declared his opinion with respect to the bill to be unaltered by what had fallen from the learned counsel. Whether any permanent measure was adopted this session or not, the duration of the bill for 12 months could have no effect in either case to retard or accelerate that measure. He did not see therefore any reason why the term of its continuance should be altered.—The bill was then read a 3d time and passed.

HOUSE OF COMMONS.

Thursday, March 20.

[MINUTES.] Mr. Baker presented a petition from the Debtors confined in Newgate.—Mr. Martin presented a petition from the Maltsters of Tewkesbury.—Sir P. Stephens presented the Papers relative to the Naval Commissioners moved for by Mr. Whitbread.—Sir M. W. Ridley presented a petition from the Shoe-makers of Newcastle against a bill now pending in parliament for abolishing certain societies of their craft.—On the motion of Mr. Vansittart, the 10½ Million Exchequer Bills bill was read a 2d time.—The Irish Militia Service bill was read a 3d time, and passed.—The 1½ Million Exchequer bill was read a 2d time.—Mr. W. Wynne presented Copies of the Circular Letters from lord Hawkesbury to the lords Lieutenants of Counties, relative to the Additional Force act.—On the motion of Mr. W. Wynne, that the Dublin Paving bill be read a 2d time, a conversation arose, in which lord De Blaquiere, Mr. Alexander, and Mr. Ormsby, opposed the bill, on the ground that it was a job, interfering with the legal rights of creditors. It was defended by Mr. W. Wynne, and Mr. J. La Touche; ultimately, the 2d reading was deferred till Tuesday.—After a short conversation between Mr. Dillon and Dr. Duigenan, it was ordered, that the account which had been laid before the house in July, 1803, of the resident and non-resident Clergy in Ireland, the different parishes, benefices, churches, glebe, houses erected, and erecting, &c. be reprinted.—On the motion of Mr. Lee, a return was ordered of the number of Common Law Subpœnas, Writs of Habeas, &c. issued by the Court of Exchequer in Ireland, for the last 4 years.—On the motion of Mr. Fitzgerald, an account was ordered of the quantity of spirits distilled in Ireland, and imported into Great Britain, during the years 1801, 2, 3, 4, and 5, together with the amount of the duties for each year.—On the motion of Mr. Rose, accounts were ordered to be laid before the house, of the quantities of Sugar and Coffee imported into this country from Tortola.

[MILITARY ESTABLISHMENTS.] General *Tarleton* wished the right hon. secretary (Mr. Windham) would have the goodness to inform him, whether or not he meant, according to that half notice he had given, to bring forward on Monday next?

Mr. Secretary *Windham* said, the hon. general was certainly correct in calling it a half notice: he had not given any regular notice, because it was not in his power to pledge himself that he should be prepared to bring it forward by Monday. Notwithstanding the great anxiexy which the hon. general and his friends might feel upon the subject, or which might be felt out of doors, he could only say, that it did not appear to him that any inconvenience would result from a little delay. He did not see any necessity for hurrying measures of such vast importance and delicacy, and which required the maturest deliberation. Although the expectation of the hon. general might have been disappointed by this apparent delay, his was not. It appeared to him, that the object of the greatest importance was, to give the fullest consideration to any changes that were to be proposed, before the subject was introduced, and he saw no other inconvenience that could result from the unavoidable delay, than that it would disappoint the curiosity, and the anxious expectation of a number of persons.

General *Tarleton* mentioned, that considerable anxiety must necessarily be felt on the subject, both by the gentlemen of the army and the volunteers.

Mr. Secretary *Windham* said, that as soon as he was prepared to bring the business forward, he should name the day.

HOUSE OF LORDS.

Friday, March 21.

[MINUTES.] The American Treaty bill, the Wool Exportation bill, the Mutiny bill, the English and Irish Militia bills, the Militia Subalterns bill, the Militia Adjutants bill, and the Scotch Bankrupt bill, were read a third time and passed.—On the motion of lord Eldon, the further consideration of the claims of the duke of Clarence and other royal dukes to the right of voting in the election of representative peers for Ireland, was fixed for Tuesday.

[WITNESSES' DECLARATORY BILL.] Lord *Eldon*, after adverting to what had taken place on Wednesday relative to the Declaratory bill, observed, that he did not attend on that day in consequence of understanding that a noble and learned lord (Ellenborough), not now in his place, would propose a clause specifically providing for the exceptions to the general principle and which was to be substituted for the proviso which he (lord Eldon) had proposed to their lordships. From what had happened however on that day, he was convinced that he must have misunderstood the intentions of the noble and learned lord to whom he had alluded. He was still of opinion that the bill, if passed in its present shape, might generate much mischief, and could he have conceived that no qualifying clause would have been proposed, he would have attended in his place on Wednesday, and stood out to the last for the adoption of his proviso. As the business stood now, he must content himself with giving notice that if the bill came up from the house of commons without receiving any amendment that could bring the subject again into discussion, he should make a motion on the bill brought in by a noble lord (Stanhope) for the purpose of bringing the question again under their lordships' consideration.

The *Lord Chancellor*, after adverting to the causes which had given rise to the Declaratory bill, which he had had the honour to present to their lordships, contended that the general enactment contained in the bill, merely declared the law to be what the majority of the judges had stated it; but did not take away any of those privileges of demurrer which witnesses were previously allowed by law, or the power of the judge to decide on such grounds of demurrer according to the law as previously defined and laid down. In framing the bill he took for its groundwork the language used by the noble and learned lord (Eldon) in the question referred to the judges, which question had been answered in the affirmative by a majority of those learned persons: if therefore there was a defect in the bill, it must arise from defective opinions delivered by the judges.

Lord *Eldon* still adhered to his former opinion relative to the operation of the bill. He thought however, it would be advisable if the bill was not amended in the house of commons to put a question to the judges for the purpose of ascertaining whether the exceptions to the general principles were saved or not under the general enacting words of the bill.

HOUSE OF COMMONS.

Friday, March 21.

[Minutes.] Sir S. Cottrell, one of the clerks of the privy council, presented at the bar, "a Return of the total number of vacancies which have arisen in the Additional Force, by death or desertion, men reclaimed as deserters, or claimed as apprentices, or discharged as unfit for service, for the year preceding the 1st of Sept. 1805, together with the number who had volunteered into the regular forces, for the year ending 1st of Oct. 1805, pursuant to the 14th and 15th sect. of 44 Geo. III. cap. 56." Ordered to be printed.—Mr. Burdon rose to submit a proposition of great and general importance, and particularly to the poorer classes of the community. It was become in the highest degree necessary to ascertain, and to fix upon some mode for the accurate measurement of coals, for in consequence of the want of such an arrangement the public, and especially the poor and ignorant, were subject to the grossest frauds and imposition. To remedy such evils was the object of the measure he had thought it his duty to bring forward. The hon. member concluded with moving, for leave to bring in a bill for the better regulating the admeasurement of coals seaborne; which was given.—Mr. Staveley presented at the bar an Account of the receipts and arrears in the Post-Office department on the 5th of Jan. 1806, and Mr. Franklyn presented an Account from the commissioners of customs of the arrears and balances due by collectors, &c. These accounts were ordered to lie on the table, and the latter was ordered to be printed.—Ordered on the motion of Mr. Vansittart, that an account should be laid before the house of the amount of interest accruing upon such Exchequer Bills as are to be paid off in the year 1806; and the right hon. gent. gave notice that he would move a vote upon this subject in the committee of supply on Monday.—Sir J. Sinclair moved, that there be laid before the house an account of all grants already made out of the Forfeited Estates in Scotland. Also for an account of all balances arising from the said estates, with the interest due thereon, and the persons in whose hands the same are. Ordered.—Mr. W. Smith brought up the report of the committee to whom the Petition of Messrs. Chalmers and Cowie was referred, which was ordered to be printed.—Mr. Close presented the First Report of the Commissioners of Military Enquiry, which was ordered to lie on the table and to be printed.—The house resolved itself into a committee on the Dublin Paving Bill, in which some conversation took place between Mr. C. Wynne, Mr. Vansittart, Mr. J. Latouche, lord De Blaquiere, and Mr. Ormsby. The two latter opposed the bill as unjust and unnecessary, and the former defended it. The report was ordered to be received on Monday.

[Budget.] Lord *Henry Petty* gave notice, that on Friday next he would move for the house to resolve itself into a committee, to consider of the Ways and Means which he should submit to them of providing the supplies necessary for the service of the present year.

Mr. *Rose* considered it as unusual to bring forward the Ways and Means before all the estimates of the year had been voted by the house. At present the house were still ignorant of the military estimates for the year.

Mr. *Vansittart* replied, that whatever regulations might be made in the military affairs of the country, must, as a matter of course, be submitted to a distinct committee of supply; and though his noble friend might explain the ways and means he had to propose, it did not follow that any more would be voted, than what appeared upon the estimates.

Lord *Henry Petty* said, that the right hon. gent. would have an opportunity of stating any objections that might occur to him, when the question was brought forward.

Mr. *Rose* rejoined, that he knew the conversation was, at this time, irregular; but he was struck with the singularity of bringing forward the ways and means, before the military expences were made known.

[ELECTION TREATING BILL.] Mr. Tierney moved the second reading of the Election Treating bill. Upon the question being put,

Mr. *Fuller* rose and expressed his surprize, that the right hon. gent. should submit such an important motion without saying one sentence upon the subject. To say much in its favour, he thought quite beyond the power of the right hon. gent. or any other person. Indeed, it did not appear to his mind that such a measure could at all be sustained, for its tendency would be to disfranchise an immense proportion of the freeholders of the country. In the case even of the county he had the honour to represent, what would be the fate of the poor freeholders who lived above 80 miles from the place of polling? Why, that such persons, unable to defray the expence of the journey, would foreit their votes. The same thing would, no doubt, happen in many, if not all other counties. It was enough that poor freeholders should be subject to the loss of time and the trouble of going to the hustings, without being called upon to submit to the expence of carriage from distant quarters. This expence was no material loss to the candidates, and it was to be recollected that the poor voters were only treated to this jaunt once in seven years. It would be cruel then to dash this trivial cup from the poor man's lips. The house should bear in mind the manner in which our sagacious enemy acted towards his people, particularly towards his soldiery, to every one of whom he occasionally appealed, complimenting them at once as the judge of his conduct, the means of his success, and the partaker of his glory. A similar policy should govern this country. Every Englishman should be taught to feel a common interest with his country and its legislature, and the best mode to encourage that feeling was by making every, even the poorest freeholder, an arbiter of the conduct of his representative. But the object of this bill would be to deprive the greater part of the poor freeholders of this important right. If such a bill were to pass, the effect would be to injure independent candidates, to exclude distant voters, and to leave the fate of an election generally to the decision of the mob of the town where it might take place. Thus, the man who could best harangue the mob, would probably be the successful candidate, to the exclusion of those independent men who were most worthy to be members of parliament—for those who should not submit to great trouble would have no chance of succeeding. Sir Edward Coke had observed, that those men were most fit to be members of parliament who did not care whether they were so or not; and if this bill were to be adopted, such men would, in all likelihood, be utterly excluded; for being prevented from paying for the conveyance of voters, being too proud to canvass, and unwilling to count the mere mob at the hustings, they would have but little chance of any voters at all.

Mr. *Morris* professed the greatest respect for the hon. mover of the bill. He knew him to be intimately acquainted with the laws on the subject of treating at elections, and that the whole had engaged much of his attention. But his objections to the present bill were of such a radical nature, that no alteration or amendment could reconcile him to its adoption, and therefore he felt this the proper stage to make his stand against it. If it were meant as a declaratory law, to explain the act of king William, he would resist it as totally unnecessary, and if meant to go farther than that act, he would resist it as improper and unjust. The giving meat and drink to voters was already prohibited by the letter of the statute of William, and there, in his judgement, the law went far enough. If it proceeded the length of forbidding the conveyance of voters at the expence of candidates, he should sincerely regret it, and, among others, for the reasons stated by the last speaker. But it was urged, he understood, by the right hon. mover of this bill, whose speech he had not the good fortune to hear, that doubts existed with respect to the interpretation of the law upon the subject of treating, and that therefore a declaratory law was necessary. Of the existence of such doubts, he was not at all aware. In the Worcester case, alluded to by the right hon. gent., the argument of council was evidently mistaken for the decision of the committee. The fact was, that subsequent to that decision, a bill was brought in, as it professed, to remove doubts as to the treating act. That bill found its way into the house of lords, where it was strongly reprobated by lord Mansfield, who very properly observed, that the multiplication of statutes, instead of adding to the strength of the law, served to impair and weaken it. Such a remark was always entitled to consideration, but particularly where, as in this case, there was no ground of necessity. To prove the necessity, however, some endeavours had been used, by referring to cases of doubt. Among those cases Ipswich and Barnstaple had been referred to. Now the fact was, that in the former case, the subject had not been at all gone into, the election having been declared void on other grounds; and as to Barnstaple, the only appearance of doubt in the construction of the law was by the petitioners, who stated, that if their opponent had advanced money, merely for the travelling expences of voters, they should not press the committee to come to any decision upon that point. Such a statement, however, could avail nothing in arguing the question before the house. These petitioners might have declined to enter into discussion, as to travelling charges, having probably defrayed the same charges on their own side. But their motive was of little consequence. The question was, whether their misconstruction of the law should be taken as a proof that any doubts existed as to the fair interpretation of that law; whether the mistakes of a few men as to the meaning of a law, should be admitted as evidence that the law was doubtful, and that a declaratory act was necessary, as was pretended in the case before the house? Whereas, in reality, no doubt existed upon this subject. The last decision upon the Herefordshire case was quite conclusive as to treating. The committee there had before them the proof of travelling charges having been paid by the candidate; but their determination was grounded distinctly upon this, that tickets had been given to the voters for meat and drink, and this it was which they pronounced to be within the meaning of the treating act. Of course upon that ground the candidate was disqualified. So far as to the decisions of committees with regard to this law. Now, as to the proceedings in the courts respecting it, there were but a few cases. From the actions however, which were brought by inn-keepers against candidates, for the expences incurred at elections, contrary to the treating act, it appeared that such actions could not be maintained. In the action brought against two members of that house, Messrs. Francis and Moore, lord Kenyon did not, to be sure, direct a nonsuit, because, very properly as a judge of nisi prius, perceiving a look of equity in the claim, he referred it; at the same time pronouncing an agreement which appeared to have been entered into by one of the candidates to indemnify the other for his election expences, to be totally illegal, "because it pledged a man to pay those expences which it was contrary to law to incur." There were other cases on the books which served to shew that no doubts prevailed in the courts below, upon the interpretation of the treating act. The point was, indeed, conclusively determined, by the decision in the court of Common pleas, in the case of Ribbons v. Crickett. Upon the whole then, it was obvious to his judgement, that as no doubt existed as to the construction of the treating act, no declaratory law was necessary; and that a new law, such as that before the house, would be highly improper, it required very little consideration to prove. It was impossible to say what mischiefs would result from the adoption of such a bill. A vast number of freeholders would be disfranchised, not for any improper act, but merely in consequence of their inability to defray the expence of their conveyance to the hustings. The right hon. mover was reported to have said, that the removal of a voter from the place where his right of voting lay was a matter of option; but that was not the case. For the tradesman and the manufacturer must go where his industry would meet employment: he must shift his residence to follow the market. In many, if not most, instances, the change of residence on the part of voters was not a matter of choice but of necessity, oftentimes painful necessity, and yet this bill would aggravate such pain. In counties the right hon. mover proposed the taking of the poll at different places, in order to obviate one of the most glaring objections to his bill, but such a multiplication of polling places would be productive of confusion and increased expence even to the candidates. Furthermore, he would object to such a proposition, because he liked the publicity in which a freeholder now gave his vote; in the face of the county and of the candidate.—It had also been said that such a measure would only be acting up to the spirit of the act appointing the right of election to be confined to those possessed of a 40*s*. freehold, since 40*s*. at that period might be reckoned equal to 30*l*. at present; and thus you preserved more completely the independence of electors. But with regard to the independence of 40*s*. freeholders, his opinion was, that from the general diffusion of industry and its productive capacity, freeholders of that class possessed as much independence of mind as any other description of persons. To deprive a great body of such men, as this bill would tend to do, of the exercise of their elective franchise, would serve to produce a disposition to listlessness and languor among the people, than which nothing was more to be dreaded; for nothing would be better calculated to facilitate the subjugation of the country and to lead to despotism. The French scarcely valued such a thing as the elective franchise; but any man who had ever seen an election in this country must be sensible how different was the feeling which prevailed among Englishmen, how eagerly they crowded to the hustings, and how little they were in a state to be reconciled to the relinquishment of a right they so highly prized. He was glad to think on the estimation in which the people held this important privilege, and was always happy to perceive the enthusiasm which prevailed at popular elections. Since such scenes had been freed from the tumult and intoxication which formerly disgraced them, the enthusiasm displayed must be observed with pleasure by every man who loved popular liberty; who felt as an Englishman. The hon. and learned gent. concluded with stating that he could not conceive the least mischief likely to arise to the freedom of election merely from the candidates paying the expence incurred by the carriage of poor voters to the hustings, while very great evil was to be apprehended, if, by disqualifying candidates for merely defraying such expences, a vast number of voters should be precluded from the exercise of their franchise.

Mr. *Francis* rose and said:—Mr. Speaker; The unexpected mention, which the learned gent. has made of me by name, and of my hon. friend the present representative of the city of Coventry, makes it indispensibly necessary to set my hon. friend and myself right on this subject. The learned gent. has been led into a great error concerning some supposed facts, which he has asserted, and he has done us great injustice. I had not the advantage of hearing the first part of his speech, and therefore I know not, nor am I able to conjecture on what evidence he makes such assertions. Whatever it may be, I assure him it is false. On this point I cannot be mistaken, because it is impossible I should ever forget the contested election at Tewksbury in 1796, or any material passage in that transaction. In truth, I have too much reason to remember it. The calumnies, to which he alludes, and which in the first instance were passionately and most indecently delivered from the bench, and propagated afterwards with great industry in the newspapers, have been publicly refuted, and ought to have been forgotten long ago. But it is in the nature of calumny, not indeed ultimately and always to survive truth, but to live and lurk in the dark, and, when an interval has elapsed sufficient, in appearance at least, to furnish a probable security against detection or to escape contradiction, to revive with new malice, and endeavour to do its dirty work again. I am far from attributing that intention to the learned gent.; but I say he is deceived, and that the information he has given the house is not true. He supposes that my hon. friend and I had been convicted of a contract, by which he was bound to bear the whole expence of the contest, and that such contract was illegal. Whether it would have been so or not, is immaterial, because in fact there was no such agreement. My hon. friend, I know, did incur a much greater expence than I did in the course of that transaction; because he was engaged very long before I had any concern in it, and because he managed every thing. What I affirm is that my proper share of that expence was paid by myself. The generous ardour, with which lord Kenyon maintained the moderate demands of the innocent inn-keepers against *us*, whom he charged in terms with a plot first to corrupt and then to cheat them, does honour to his moral character. At sight of virtue in distress, that worthy judge's passions were always ready to take fire. Unluckily for my hon. friend and me, he was not at all a political judge. If the Treating act, as it then stood, vacated any action, and ought to have non-suited any plaintiff for the expences in question, I presume it was the duty of the judge to advert to such act, and to let the law take its course, even against his own tender feelings for the plaintiff. All I know is, that lord Kenyon did not take notice of it, that he gave a violent and reproachful charge to the jury against us, and that in the end we paid the full demand of the inn-keeper within a trifle. We never pleaded the statute; nor, if there had been fifty statutes to bar the action, should we ever have resorted to that or to any other legal pretence to shelter us from an honest or an equitable demand. What we contended, and what I still believe to be true, was that the amount of the charge was exorbitantly unjust; three times greater, as we at least were convinced, than the real expence. Several months before the action was tried, we made a public tender of two thirds of that and of all other demands on the same account, without examination, which several of the publicans accepted.—I shall now, sir, submit to you a few observations on the general tendency of the bill before the house. It is a duty, of which I am bound to acquit myself, by some particular considerations, which immediately concern me and a few others, and by no means the generality of the house. The first is the special relation and connection, in which my right hon. friend and I have heretofore acted together on the subject of a parliamentary reform. In April 1792, a certain society was formed in this city, called "The Friends of the People." My right hon. friend and I were members of it, with other persons, who now occupy some of the highest stations in his majesty's service. In that company I passed for a moderate reformer, and, I believe, not without some little discredit to me in their opinion; though in fact moderation was the professed principle and the real character of the society. No doubt or suspicion of that kind could attach to the conduct of my right hon. friend. He fairly went the full length of his principles; and so did some others, who are now too modest to boast of the part they took in those proceedings, or to make it any way the subject of immediate ostentation. In so numerous a society, various theories and opinions might naturally be entertained. Even they, who agreed in principle, differed in degree. In those days, the idea of reforming the house of commons by a scheme of universal representation, that is, by giving a vote to every hackney-coachman and chimney-sweeper in the kingdom, was by no means so much out of date or out of fashion as it is now. In our society, however, I do sincerely believe that it would not have prevailed, nor was any man so ill advised as to propose it in form. Nevertheless, I confess it was not so directly rejected, or so explicitly condemned, as it ought to have been. On that account, the society itself was calumniated, and my right hon. friend and I were cruelly misrepresented. We were at the same time members of another society, (the Whig Club,) of a more convivial character and composed of greater names, where it was the custom to deliver many instructive sentiments from the chair. These admonitions descended upon us with great authority, because the chair was usually filled by a noble person of the first rank; and they made a deep impression, because our hearts were open; and, if we deliberated at all, it was at a moment, when few of us were capable of deceit. One of these admonitions was, never to relax our efforts in adversity, or to forget our principles in prosperity. It cannot be denied that on the subject of parliamentary reform, my hon. friend and I laboured hard enough in the service of the commonwealth without fee or reward; and, if we should forget our principles now, I do not think it can be attributed to any particular good fortune, that has befallen us. As far as I can perceive, our morals are not likely to be corrupted by prosperity. I never did or could suspect a man of his sound judgement of favouring such a folly as universal representation. For my part, sir, it is well known that I took every opportunity to disclaim it and even to engage the society to disavow it.* I never harboured a thought so dangerous and so absurd, as that of separating the power from the property of the country. "To those, who would place "power in the hands of indigence, I said, "that power and property cannot be separated long. Sooner or later, the power "will take the property, and the property "gradually revert to a new set of men, who "would still be the few compared with "the whole number; that is, property "would soon be distributed and settled "more or less, just as it is at present. "The final result, at best, would be no"thing but a change of hands and a tem"porary shifting of possession." But who is there can calculate, or who can think without terror of the dangers, that must be encountered, and the miseries that must be endured, in transitu ?† I say that such a scheme is no more authorized by example and success, than it is to be defended on general principles, or any rational theory. Of all republican constitutions, that of Rome, on the whole, was the wisest for its purposes, of which history has given us any accurate information. In that republic, a census, or fortune was necessary to entitle a Roman to be a soldier. No

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* Vide Proceedings of the Friends of the People, 5th April, 1794.

† Vide Mr. Francis's Letter to Mr. Wyvill, dated 20th Jan. 1795. Vol. V. p. 295.

man was thought fit to be entrusted with arms for the defence of his country, who had not that interest in its welfare, which was attached to property, and could be derived from nothing else. The *proletarii*, who were supposed to be good for nothing but propagation, and the *capite censi*, who were counted by the head or by tale, belonged to no class, and had no vote or voice in any act. of the people. My right hon. friend and I concurred in thinking that, in order if possible to make venality in the election of persons to serve in parliament useless, if not impracticable, it would be advisable to extend the right of voting to the greatest number of voters that could be obtained consistently with the public safety. With that united view, we hunted for property, wherever it could be found, in order to support the vote. He knows best whether he ever meant to consider the vote as a personal right without any other qualification, and to act on that principle. I believe not; but I am sure that such a project never entered into my contemplation.—I ought now to state to the house for what purpose I have introduced these topics and reflections, and how I mean to bring them home to the business of the day. The fact is, that I have had no opportunity of examining the bill which is under consideration. But I have collected enough from the debates to know that it is the prevailing opinion of this house, and not yet disputed by any body, that the inevitable effect and operation of the bill, whether intended or not, will be to reduce very considerably the number of voters in county elections; and that, the larger the county is, the smaller will the proportion of actual voters be in such elections. It is said, and I believe, truly, that the little freeholders, at any distance from the county-town, would never vote at all. What the consequence of that would be, deserves the serious consideration of every man, who wishes to preserve the popular part of this constitution. The question that deserves to be more immediately considered by my right hon. friend, and to which I wished, by all that I have said, to draw his attention, is, whether it be possible for him to reconcile the principle, which he and I avowed and acted on from 1792 to 1795, viz. of extending the right of voting as far as property could be found to support it, with the practical effect of his present bill, which, as I find it asserted on all hands, would be to reduce and confine the exercise of the right to a much smaller number, than that, which he and I formerly agreed in thinking ought to be considerably increased; I mean in the counties, where the vote might have been extended with the least inconvenience and the greatest safety. With this impression of the operation of the bill, which on his part I am sure was neither intended nor foreseen, I am bound to oppose it.

Mr. *Morris* explained, that he took his statement of Mr. Francis's case from the reports of the Court of King's Bench, which were generally allowed to be accurate.

Mr. *Tierney* disclaimed the slightest intention of proposing to disfranchise any freeholders under 30*l*. On the contrary, if a proposition of that nature were brought forward, he would be among the first to oppose it.

Mr. *W. Dundas* said, that he should find himself under the necessity of opposing the present bill, unless Scotland was altogether excluded from the operation of it.

Mr. *Johnstone* could not see that any great benefit was likely to arise from the alterations that this bill proposed. As to the practical part of the constitution, he thought it would be hard to point out any considerable improvement. He might quote the words of Dr. Paley, who would be allowed to be a good authority on the subject. He might, like him, ask, Whom is this house composed of? It is of men which come from every class of society, which produces considerable talent and information. In that house there were not only representatives of the landed interests, but of the commercial interest also; there were men, who were the most distinguished in every liberal profession and honourable situation. He could not see what sort of men were fitter to sit in that house, than those who actually had seats under the present mode of representation. As he therefore did not perceive any practical good that was to result from changing either the mode of representation, or the description of persons who were to be representatives, he should oppose the bill.

Mr. *Lee* considered this a measure, the appropriate title of which would be "a bill to lessen the number of voters." It was calculated, he thought, to deprive a class of men of the right of voting, who, although poor, were capable of exercising that right as independently and as free from corruption as persons of affluence. He could never relish the idea of disfranchising a man for his poverty; and that would be the effect of this bill. In fact the proportion of freeholders which it would disfranchise would be enormous. In Coventry alone, the freemen disfranchised by such a measure, would amount to several thousands. Another objection he had to the measure before the house was, that it proceeded upon a principle of partial legislation, by enacting one law for England, and leaving the law of Ireland upon the same subject in *statu quo*. The law ought, in his opinion, to be in all cases general, as far as was consistent with the difference of local circumstances.

Sir *R. Buxton* entreated the house not lightly to reject a measure which he thought perfectly congenial with the spirit of the British constitution. According to the principles of that constitution, a man should come into that house free and independent, and the constituent who sent him there should be free and independent also. Now the former could not be so if he were to pay an enormous sum of money for his election; nor could the latter be so if he were to receive money for his vote; and, disguise it as gentlemen pleased, the expence of carriage was a species of payment to the voter. There was a time when, instead of members paying for their election, they were paid for their attendance; and he should be glad to see the same practice again. The hon. baronet repeated his wish. Members would be likely to enter that house not with a view to derive any emoluments from the state, but for the benefit of the country.

Mr. *Rose* did not agree with the distinction taken by the hon. and learned gent. (Mr. Morris) that if any thing more was given than merely the price of conveyance to the place of election, it must be considered bribery. If freemen were to be conveyed to a distant town, suppose, for instance, Coventry, it was evident that there must be considerable expences besides the mere price of the carriage. The candidates were now in a very disagreeable situation, as they could not tell, in the manner the law now stood, what was, or what was not, to be considered in that light. He thought it was therefore right that the law should be made explicit on this point. He trusted that the house would pause before they rejected such a proposition, and begged them to consider that if the expence of carriages were allowed, it was nonsense to suppose that refreshment and treating by the way would not follow; also whether a compensation for loss of time, which would lead to complete bribery, might not be the next proposition.

Mr. *Courtenay* remarked upon the purity of the principle and the refinement of notion, which the house had witnessed in the speech of the hon. baronet, and the right hon. gent. who had just followed him. Really those two gentlemen were not only so pure themselves, but they seemed to think they were addressing themselves to an angelic audience. No doubt the hon. baronet came into that house with the purest and most disinterested views, and had nothing in view but the good of his country—and the right hon. gent. who followed him was inspired with equal purity, and equally discarded every consideration but that of patriotism. That right hon. gent. had stated, that it was nonsense to suppose that a voter would go from one place to another to give his vote without receiving something more than the law would allow. No doubt the right hon. gent. spoke from his experience. He was, it might be presumed, tolerably competent to judge upon such a subject; and so, perhaps, were others also. If in reality, every candidate were disqualified who paid the travelling expence of poor voters to the hustings, nay, something more, the right hon. gent. would admit, that the benches on both sides would be rather thinned. For himself, he would say, that he did not like this extreme solicitude to exclude the poor from the gratification usually enjoyed at popular elections. They seldom had such opportunities, and when they offered they ought not to be shut out from them, merely on the pretence of seeking for purity. He could not approve of the use of a filtering stone to clear away all the mud of poverty, vulgar mirth, &c. from popular elections, and to let nothing but the pure water of affluence, good order, &c. trickle down to invigorate the members of that house. The right hon. mover had said, that he would not introduce a bill to disqualify freeholders under 30*l*. But it would not perhaps be amiss to call to mind, that the bill of Henry VIth, confining the right of voting to freeholds of 40*s*. was itself a bill of disqualification; and it was one advantage resulting from the depreciation of money, that the object of that disqualification law had in a great measure been defeated. As to the objections of the noise and confusion which these voters occasioned, who were carried from distant parts, they alarmed him not.

Cockades, and the liberty of huzzaing, were things which every Englishman admired; they contributed to give him an idea of the rights he enjoyed, and on the possession of which he prized himself. This was well expressed by one of our celebrated poets, he believed Dryden, who spoke thus of an election time—

> —"Where every man enjoys,
> "His liberty and property of noise."

On the whole, the bill appeared to him, highly objectionable, as operating to the disfranchisement of thousands, and he should, therefore, vote against it.

Captain *Herbert* disapproved of the bill, because it would have the effect of disfranchising by much the greater propotion of the electors of this country, namely, all those who resided at a distance from the place of election. This bill, if it passed in its present state, would have the effect, in a great county, of making it the election, not of the county at large, but of the county town, and instead of operating in favour of gentlemen of small fortune getting into that house, as the right hon. mover alleged, would completely defeat that end, if they resided in any remote part of the county, by depriving them of the power of bringing forward their friends.

Mr. Secretary *Fox* rose to assure his right hon. friend who brought in the bill, that his voting for the bill's going into a committee, by no means proceeded from his objections to the bill being done away, but from a desire to see if it might not be there rendered more palateable, if not entirely agreeable to the wishes of gentlemen on all sides. There was one object of the bill to which he was friendly, that of removing doubts which at present existed. If that could be done, it would be highly desirable; and, as such, he would vote for its going to a committee; but he, by no means, in giving this vote, pledged himself to any further support of the bill. He thought it necessary to say thus much, lest his vote should be misconstrued.

Mr. *Buller* said, that when such high authorities as the chief justices of the two supreme courts differed, and the committees of that house also; it was necessary those doubts should be removed; and he wished, therefore, the bill should go into a committee. He approved also of the poll being taken in large counties, in different places, as it would tend much to lessen the expences, and enable men of moderate fortunes, to offer themselves as candidates, without the risk of being ruined.

Mr. *Leycester* begged to put the house right as to the supposed contrariety of opinion between the judgments of the two courts. The decision in the Common Pleas was the only one which could be calculated on, as that in the King's Bench, which was not a solemn judgment, but merely a verdict at Nisi Prius, did not at all proceed on the act of King William, but was founded on the statute of George II. imposing penalties, where the judge necessarily left it to the jury to find, *quo animo* the 30*l.* was given.

The *Attorney General* (sir Arthur Pigott) hoped to be forgiven while he in as few words as possible stated the situation in which the law of the case at present stood. The only instance in which a solemn decision on the point had taken place was that before alluded to, in the court of Common Pleas, in which the law was laid down as stated by his right hon. friend who introduced the bill; as to what had passed at Nisi Prius, that he did not pretend to know. As to the state of the practice before the committees of the house of commons, that, he confessed, had been in general contrary to the decision of the court of Common Pleas. He had had considerable practice in matters of that kind, and he had seen several committees find that the providing of carriages to electors who resided at a distance, or supplying them with the means of providing such carriages, were not violations of the act of king William. Other committees he had seen find, that supporting such electors while absent from home, and enabling them again to return to the place from whence they came, were also not to be esteemed as falling under the act. For 20 years, he was certain, that had been the general plan pursued by committees: that was to say, elections were not declared void on account of such practices. But the difficulty had always been, what was properly to be ascribed to those motives, and if, under pretence of such allowace, any corruption had been exercised. Where no such excess was found, the facts already stated, were not esteemed grounds on which the elections should be declared void. This was an extremely singular state of the law between our courts of justice and our parliamentary judicature. In the courts of law, an action for these expences could not be entertained; in our parliamentary judicature they were held to be perfectly legal. He had indeed seen committees who thought otherwise, and who had esteemed such furnishings to come within the statute of William. But what must be the case of the candidate in such an uncertain state of matters? Or what could a person to whom he applied for advice, say to him? He might tell him; I cannot advise you, the general turn of the opinion of the committees is so and so; that, by the act of king William, it was, at least, extremely questionable how far he was entitled to grant any of those furnishings; but still he could give him no precise advice by which he might not be injured either in a court of law or by a parliamentary judicature. Miserable, in such a state as this, must the case of the candidate be. For these reasons he wished the bill might be allowed to go through a committee, where it would be in the power of the house to determine the general rule or admeasurement by which conveyances for electors was to be regulated. He could not approve of the bill as it now stood. If it were to be laid down, that a candidate, by conveying an elector on a coach-box from the place of his residence to the scene of the election, forfeited his seat, he should esteem it, not the disfranchisement of the electors, but of the candidates.

Mr. *Tierney* rose to reply. He observed that it appeared to him rather inconsistent in his right hon. friend (Mr. Fox), to consent to the bill going into a committee, while he at the same time pretty clearly signified his disapprobation of its principle. One gentleman had found fault with the bill because he considered it a sort of parliamentary reform. Another objected to it, because it was not a parliamentary reform, and thought that he (Mr. Tierney) had deserted that principle, which he had so often professed that he adhered to. In the first place, he would say, this measure was not connected with what was generally called a parliamentary reform. But at the same time, no person ought to consider his introducing it, as any dereliction of the principles and opinions he had formerly professed. A wise and prudent lover of reform would get what he could towards his object, when circumstances prevented him from getting what he wished. He was a little astonished at what had fallen from another hon. gent. (Mr. Courtenay), who had been a long time, a warm advocate for parliamentary reform, and who still considered the noise and tumult attending popular elections, as a genuine symptom of the spirit of British liberty. He could assure that hon. gent., that if he had ever been at the Borough election, about three or four o'clock in the day, when the poll was cast up, he would have witnessed as much of those indications of the spirit of British liberty, and heard as much noise, shouting, and tumult, as his heart could wish. He could not conceive, how it could be said to be disfranchising any body, to declare "that no man should be permitted to exercise his elective franchise at the expence of the candidate." Would any gent. contend, that the franchise included a right of being carried, free of expence, to and from the place of election? As nobody could argue that such a right existed in the elector, there would be no right taken away by the present bill. But while this practice was allowed, it was impossible for gentlemen of moderate fortune, whatever might be their talents, or the esteem in which they were held, to stand before men of much superior wealth. They could not afford to bring the freeholders in their interest from the distance of fifty or sixty miles to the county town. It was not so much his object to protect candidates from expence, as to protect parliament, and to throw its doors open to that description of men, whose introduction he considered as a most desirable thing: he did not wish that wealth should be deprived of its proper influence, but he must object to its being the only qualification; he always wished to see men of large fortunes in that house, but he also wished to see members of another description. As long as the candidate was expected to pay the expence of bringing the freeholders to the place of election, so long great wealth must carry every thing before it; for no man of moderate fortune, whatever might be his talents, or the esteem in which he was held, could ever venture to incur the expence of being a candidate for a county. He could see no better reason for a candidate being expected to be at the expence of conveying to a borough town all the freemen he could find to vote for him. If those men left the town where they had obtained their franchise, it was for their own emolument they left it; and if they should come up to London, in order to get more money than they would have done in that town, the improvement of their circumstances could give them no right to put any body to additional expence, for the exercise of their franchise. If gentlemen considered that this bill would virtually disfranchise any body, they should always recollect, that it was in the power of the candidates themselves to do by an agreement, what the present bill proposed to do by a law. He declared, his only object in bringing it in was, to put an end to the dreadful expence to which candidates were now exposed: and, by that means, to encourage men to stand as candidates, whose talents would be an acquisition to that house, but who were, at present, unable to stand before the length of purse which might be opposed to them.

Lord *Porchester* objected so much to the principle of the bill, that he could not vote for its going into a committee. It was his opinion, that no bills should go into a committee but such as were approved of in their principle. His objections were principally to the disfranchisement of such a considerable number of electors.—The question was then called for, and the house divided; when the numbers appeared, for the second reading 73; against it 17; majority 56. The bill was then read the second time, and committed for Wednesday.

[AFFAIRS OF INDIA.] Mr. *Huddlestone* said, he rose to move for certain papers relative to the Affairs of India; whereupon,

The *Speaker* felt it his duty, as the hon. member had given no notice of his motion, to state to the hon. gent. what he conceived, after what had recently passed on this subject, the practice agreed on by the house to be: first, he understood it to be settled, that any member was entitled to move for any of the returns, or public accounts usually returned to parliament every session, without giving any notice; secondly, that any of his majesty's servants in that house had a right to move for any return they chose, at the same time, stating it to be for the use and information of that house, without any previous notice; thirdly, any gentleman might move for any official document, without notice, if he at the same time stated that he had communicated his intention to some one or more of the persons in whose departments such document was deposited, and that there was no likelihood of objection to such motion. But in all other cases, he understood it to be the practice, as now settled, that no motion for any such document could be entertained by the house, without previous notice. This, until he should be further instructed by the sense of the house, he held to be the practice agreed on; and, until the house should be pleased to give directions to the contrary, he should feel himself by duty precluded from putting the question on any such motion, of which no previous notice shall have been given.

Mr. *Huddlestone* said, he willingly submitted to the established practice of the house. The reason why he had not communicated with any of the gentlemen belonging to the department was, that he conceived there could not be the least objection made to their production. He then gave notice, that he would, on Tuesday, bring forward his motion, which was for certain papers relative to the affairs of Oude.

HOUSE OF LORDS.

Saturday, March 22.

[MINUTES.] Their lordships being met, the usher of the black rod was sent to desire the attendance of the Commons. The Speaker, with several members, immediately attended at their lordships' bar, when the royal assent was given, by commission, to several public and private bills; (see our commons report). The commissioners were lord Erskine, lord Walsingham, and lord Auckland.

HOUSE OF COMMONS.

Saturday, March 22.

[MINUTES.] The Speaker being come down, the house was soon after summoned to the house of peers, to hear his majesty's commission read, declaring his royal assent to several acts, which had passed both houses. The speaker, on his return, informed the house, that he had heard the royal assent given by commission to lord Collingwood's Annuity bill, the Irish Customs bill, the Irish Sugar Drawback bill, the Marine and Army Mutiny bills, the Qualification Indemnity bill, the Militia Officers' Allowances bill, the Foreign Troops Enlistment bill, the Greenland Whale Fishery bill, and to the Scotch Creditors bill.—Lord Henniker presented a petition from the Maltsters of Rutland, praying a modification of the last Malt Duty act.

HOUSE OF LORDS.

Monday, March 24.

[IMPEACHMENT OF LORD MELVILLE.] Lord *Melville* attended in his place, and delivered in his answer to the 10th article of Impeachment. His lordship entered his protest against the unprecedented circumstances under which that additional article had been preferred; and declared that he did not think himself bound, either by the law or usage of parliament, to answer it. He should, however, plead "not guilty" to the charge generally.—The answer was then ordered to be sent to the commons.

HOUSE OF COMMONS.

Monday, March 24.

[MINUTES.] Sir Samuel Romilly, the new Solicitor-General, took the oaths and his seat.—Mr. Johnson, from the office of the Chief Secretary of Ireland, presented at the bar, an Account of the Consolidated Fund of Ireland, with the Charges, Payments, and Surplus, for the year 1805.—Mr. Irving, the Inspector-General of Exports and Imports, presented at the bar an Account of the Exports and Imports for 18 years, ending Feb. 1806.—Mr. Cooke from the exchequer, presented at the bar, an Account of all interest paid on exchequer bills, in the years 1803, 4, 5, and the average thereof.—Sir P. Stephens moved, for an account of the sums of money that have been issued by the Commissioners of the Navy, under the 43d of the king, for the discovery of the Longitude.—On the motion of Mr. Windham, the bill for regulating the Commerce of the Cape of Good Hope passed through a committee.—The Secretary at War presented, pursuant to order of the house, an Abstract of the total number of men raised under the Additional Force Act.—Mr. Brooke put off his motion relative to the Contracts for supplying the Navy with Spirits until Monday, as he had reason to suppose that the attention of government was directed to that subject, and that measures might be adopted in consequence, which would render it unnecessary for him to bring forward the motion.—Mr. Grey gave notice, that he should to-morrow move that the thanks of the house be given to admiral sir John Duckworth, and also to the officers, seamen, and marines of his squadron, for their gallant and signal services, by the total destruction of a division of the enemy's fleet in the late brilliant action in St. Domingo Bay.—Lord Temple, with a view to the preparation of some clauses that should remove any objections that existed against the bill for establishing a free port in the Island of Tortola, proposed that the committee on that bill should be deferred to Monday next. After a few observations from Mr. Rose and lord Temple, the committee on the bill was put off accordingly.—The Irish Common Land Partition bill was read a third time, and passed.—Mr. Hawthorn brought up the report of the 10,500,000*l.* Exchequer Bills bill; also of 1,500,000*l.* Bills bill, which were severally agreed to.—On the motion of Mr. Vansittart, the Excise Expiring Law bill, and the Felons Transportation bill, were read a third time and passed.—Mr. Wellesley Pole, pursuant to his notice, rose to move for the production of certain papers relative to the Affairs of India. His object was to bring the whole of the question before the house, as the papers already moved for could afford but a partial view of it. The papers he should move for, were contained in three distinct lists: 1st, Such as related to the Mogul; 2d, Those relating to Bhurtpore; and 3d, Those relating to the war with Holkar. He had submitted his motions to the consideration of the board, on the part of whom no objection was felt to the production of the papers he was to call for. It was therefore unnecessary for him to take up more of the time of the house than by moving, &c. The motions, which were for several letters of different dates, on and after the 31st of May, 1805, from the late governor-general of India to the Secret Committee of the Court of Directors, together with their inclosures, were then put and agreed to.—On the question that there be laid before the house a copy of a letter from lord Lake to marquis Cornwallis, dated Sept. 2, 1805, relative to the reduction of the irregular troops, by order of marquis Wellesley, Mr. Francis asked, whether the papers then moved for comprised all the documents on the subject of the irregular troops? Mr. Pole replied, that they comprised all he thought necessary for his purpose. He was not aware of any others requisite to bring the question fully before the house, but if any other gentleman should be of a different opinion, he could have no objection to agree to any motion that might be made for the production of such further papers as should be deemed necessary.

[WITNESSES' DECLARATORY BILL.] The *Attorney General* moved the 2d reading of the bill from the lords, declaring the Liability of Witnesses to answer. On the question being put,

Mr. *Perceval* said, he did not mean to oppose the 2d reading of the bill, because he should be equally at liberty to state his objections to it on the question for the speaker's leaving the chair, if his learned friend should propose to have it committed. Undoubtedly clauses might be added in the committee, which would render the bill less objectionable than, as it then stood, it was. The bill in its present form appeared to him unnecessary, and, in principle, extremely objectionable as, he was convinced, would be the opinion of the house, when it should seriously examine its provisions. In his opinion, it would not, in its present form, either answer the purpose for which it was intended, or declare the law as laid down by the high authorities, that had been called on to decide that point.

The *Attorney General* said, he would not then enter into the merits of the measure, but proposed that the bill should be committed on Thursday next, when he should be ready to discuss the question with his learned friend. The bill was then read a second time.

[BUDGET.] Mr. *Rose* begged leave to renew the observation which he had made on Friday last, relative to the unprecedented case of bringing forward the Ways and Means of the year, before the particulars of the army expenditure had been submitted to parliament, or consequently the whole of the supply for the year voted. He had since looked into precedents, and was most strongly confirmed in what he had on that day urged as the opinion that struck him at the moment. There was not an instance, since the Revolution, of the ways and means of the year having been brought forward before the Army Estimates were voted. When he had stated his opinion on a former night, he admitted that a supply to a certain extent had been voted. He was not then aware that the motion which stood for this day would have been put off. But really he felt constitutional objections to the developement of the ways and means till the whole of the military expenditure should be voted. The supply already voted was 24,460,000*l.* Of the ways and means, only the land and malt had been granted. The noble lord might also consider the war taxes as a part of the ways and means, which, with the land and malt, would amount to 16,000,000*l.* If to this were added the amount of the loan to be made and provided for in the general statement of the Ways and Means of the year on Friday, the Ways and Means would greatly exceed the supply, and against this excess there was nothing to be set but conjectural military estimates. It had been said, that the whole of the last year's military establishment had been voted in February. He admitted that to be the case, but a temporary vote would not justify permanent Ways and Means calculated on an indefinite augmentation of that establishment. For these reasons, he thought the subject worthy the consideration of the house. He did not urge the matter with any view to throw an impediment in the way of the measures of government; on the contrary, he should be happy to assist the noble lord to the utmost of his ability.

Lord *Henry Petty* said, it was his only wish to put the house fully in possession of the objects of public expense, and the Ways and Means by which he proposed to meet them; and to give the house an opportunity of fully considering them before he should call for their final decision, that he should propose only a part of the Ways and Means in the first instance.

Mr. *Huskisson* begged leave to remark an inconvenience that would arise from not bringing forward the whole of the Ways and Means of the year at once. According to the late practice, the contractors for a loan were given to understand, that the loan contracted for, was all that would be wanted for the year. That could not be the case, if a part of the Ways and Means were to be subsequently provided.

Lord *Henry Petty* observed that this objection would not apply, if the contractors themselves should think it proper to form their engagements on the communications made to them by his majesty's ministers.

[IMPEACHMENT OF LORD MELVILLE.] A message from the lords communicated to the house the answer of lord Melville, to a further Article of Impeachment, being the 10th, exhibited against him by the commons of the united kingdom. On the motion of Mr. Whitbread, this answer was ordered to be read. The answer stated, "that the noble lord protested against being bound by the law of parliament when called upon to answer to the charge, under circumstances for which there was no precedent; but that, nevertheless, conscious of his innocence, and confident in the justice of his cause, he makes this answer, saving his right of taking exceptions, and also saving all the rights and privileges that belong to a peer of parliament. He declares for his answer, that he is in no wise guilty of the crimes and misdemeanours, in manner and form as charged against him by the commons of the united kingdom, and this he affirms himself ready to prove, at such time and place, as to that hon. house seem meet: he therefore prays to be discharged and acquitted of those crimes and misdemeanours so falsely urged against him." This answer was, on the motion of Mr. Whitbread, referred to the Committee of Impeachment, to consider thereof, and to report their opinion thereon to the house what was most proper to be done in order to further proceedings.

Mr. *Whitbread* then withdrew to the bar, and brought up the report of the Committee on the answer of lord Melville in the form of a replication, averring that lord Melville was guilty of the crimes and misdemeanours charged upon him by that house, on behalf of themselves and of all the commons of the united kingdom, which they were ready to prove. The replication was agreed to, ordered to be engrossed, and then to be carried by Mr. Whitbread to the lords, as the replication of the commons: Mr. Whitbread then gave notice, that at a proper time he should move, that the house do attend the trial as a committee of the whole house.

[ORDNANCE TREASURERS' BILL.] Lord *Henry Petty* moved the order of the day for the house to resolve into a committee on the bill for the better regulation of the office of Treasurer of the Ordnance. The order being read, the noble lord explained the objects of this bill: first, that the house might have under its view a correct regulation in the mode of expenditure for such sums of the public money as it should think proper to vote for this branch of the public service; and, secondly, for securing the responsibility of the public officer charged with the disbursement of such expenditure; and to prevent, as far as possible, the misapplication of money entrusted to his charge. If the bill, in its present form, should be liable to any objections, he was ready to attend to the suggestions of gentlemen, and to avail himself of their assistance, so far as he thought really conducive to the objects of the bill; and he should have no objection, if necessary, to re-commit the bill for a future day.—The house having resolved into a committee,

Mr. *Wellesley Pole* said, he had a number of suggestions to propose for the adoption of the committee in amendment of this bill, which was utterly inadequate to the purposes for which it was avowed. Most of those suggestions had the approbation of the noble lord himself, upon whom he had felt it his duty to wait, and to mention his objections to the bill; for it was his wish, really and sincerely, to communicate such suggestions to the noble lord as had appeared to him from experience absolutely necessary to give effect to the objects of a bill, the principle of which he very much approved. The hon. gent. now entered into a detail of the official routine in the department of Treasurer of the Ordnance, through which monies had hitherto been issued, and under which the treasurer not only was enabled, but usually, and he believed uniformly, did make use of large balances of the public money remaining at his disposal, owing to his being enabled to draw for a full quarter's amount of the chief expenditure, a quarter of a year before it was ultimately payable to the claimants. Having suggested an arrangement by which this application might in future be completely prevented, he shewed the impossibility of disbursing, by drafts on the bank, very large sums of money which were payable weekly and individually to working gun-smiths, armourers, and other labourers in the tower, for which purpose it would be absolutely necessary that some balance must remain in the treasurer's hands. But one very principal omission he remarked in the bill was, that, although a large sum was voted for ordnance services in Ireland, the word Ireland never so much as once appeared in the bill. To remove these several defects, he read the amendments which he proposed, and strongly recommended that no alteration with respect to Ireland might take place, as he understood was intended, in the ordnance establishment of that country, which he could assure the committee, and the noble lord, was established on a most correct and effectual system of economy, for the advantage of the public service: he said, that a plan of regulation, similar to the present bill, was in the contemplation of the noble lord late at the head of the ordnance.

Lord *Henry Petty* acknowledged the attention paid by the hon. gent. upon a subject to which he was so eminently competent, and approved the amendment he suggested. But with respect to Ireland, the only reason why nothing was mentioned in the bill with regard to it was, that an arrangement was in contemplation, calculated to give the noble duke who, happily for that country, now presided over its government, a more effectual controul over the expenditure of the ordnance department there.

Mr. *Huskisson* said, that for a considerable time before the disease of his late right hon. friend, a project was not only in contemplation for the establishment of effectual checks, such as those now proposed, on the expenditure of public money in the ordnance department, and in every other public office, as professedly intended by the noble lord, but that the plan had really been long acted upon, and only awaited an opportunity of parliamentary regulation, under a bill in the contemplation of his right hon. friend.—The clauses were then read and agreed to, and added to the bill.

HOUSE OF LORDS.

Tuesday, March 25.

[MINUTES.] The Committee of Privileges sat some time on the claim of the duke of Clarence to vote as a peer of Ireland in the election of representative peers for that country, but strangers were excluded.—Mr. Hawthorne brought up from the commons the 1,500,000*l.* and 10,500,000*l.* Exchequer Bills bills, the Spirits Excise Duties bill, the Irish Common Lands Partition bill, and the Felons' Transportation bill, which were read a first time.—Lord Radnor moved, that the proper officer do lay before the house, Copies of the Enrolment of any Patent of Peerage in Ireland, granted since the Union with Great Britain and Ireland; which was ordered.

[IMPEACHMENT OF LORD MELVILLE.] Mr. *Whitbread*, and several other members of the commons, presented at the bar, in the name of the commons of the United Kingdom, a Replication to the Answer of Henry lord Melville, declaring that the said lord Melville is guilty of the high crimes and misdemeanours charged against him in the Articles of Impeachment, and that the commons are ready to prove the same. The Replication having been read at the table, earl Fitzwilliam moved, that a day be appointed for the trial of Henry lord Melville: that the trial of the said lord Melville take place at the bar of the house, on the 29th of April next, at 11 in the forenoon; and that a message be sent to the commons to acquaint them therewith, and require them to appoint a committee to manage the impeachment; all which motions were agreed to, after a few words from the earl of Radnor respecting a point of form.

[VOTE OF THANKS TO ADMIRAL DUCKWORTH.] Lord *Grenville* said he had requested a noble and learned friend to move yesterday, that their lordships should be summoned for this day, in order that he might submit to them a motion for a Vote of Thanks, on account of our late success in the West Indies, respecting which he did not conceive there could be any difference of opinion. It was scarcely necessary, indeed, to make any comment upon the subject, or any preface to his motion. A series of the most splendid achievements had raised the character of our navy to the highest point of pre-eminence, whilst they proved the unrivalled skill and valour of our officers, and the irresistible bravery of our seamen. The victory recently obtained by sir J. T. Duckworth in the West Indies, evinced that the gallantry and skill of our officers, and the bravery of our seamen, were undiminished. A circumstance had attended this success which very seldom happened in any of our victorious contests with the enemy, that we had a trifling superiority of force, but this could not in the least take away from the briliancy of the victory, or the merit of those by whom it was achieved. Every thing had been done that could be effected; every thing had been done that was admitted of by the possibility of the case. The enemy's force consisted of 5 ships of the line, and 5 ships of the line were taken and destroyed. He was one of those who thought that the thanks of the house ought not to be given except in those cases where such a vote was called for by great and exalted merit; that so high an honour ought only to be granted where it was eminently deserved, thus rendering the reward the greater, by the rarity by which it was conferred. He thought however, that this was one of those cases which called upon their lordships to confer that high honour, and that so brilliant a victory entitled those who had achieved it, to the thanks of the house for the skill and bravery they had evinced in thus diminishing the means of the enemy, and adding to the security of the country. He conceived it unnecessary to comment any further upon the subject; to enter into any lengthened detail would, he thought, derogate from the splendour of the achievement. His lordship concluded by moving for the thanks of the house, in the usual form, to vice-admiral sir J. T. Duckworth, K. B.; the hon. rear-admiral Cochrane; rear-admiral Louis; and the captains and officers of the fleet; and an acknowledgement of the services of the seamen and royal marines.

The Duke of *Norfolk* said, he could not help taking this opportunity of again calling their lordships' attention to the case of sir Robert Calder. He thought it hard that the services of that gallant admiral in the action of the first day, when, with an inferior force, he achieved a victory, should not be acknowledged by some public mark of approbation. The thirteen gallant officers who composed the court martial, he had no doubt, decided most properly; still, however, the merit of the gallant admiral on the first day remained undiminished. He spoke on this subject entirely as a landsman, but it was the opinion of others as well as himself, that sir Robert Calder was hardly dealt with in not having the merit of his first day's rencontre with the enemy publicly acknowledged. He had not the honour of being personally acquainted with the gallant admiral, but merely spoke from the impulse of his feelings upon the subject, and he had hoped that the business would have been taken up by some other noble lord.

The Earl of *Romney* was proceeding to speak on the same subject, when he was interrupted by

Lord *Grenville*, who spoke to order. He put it to his noble friend and relation, whether it would not be more advisable to avoid any discussion upon a subject which had no connection with the motion before the house. If what had been alluded to by the noble duke should ever become the subject of a motion in that house, which he hoped would not be the case, he should then deliver his sentiments regularly upon it, but at present he conceived it to be irregularly introduced.

The Earl of *Romney* assured his noble friend and relation, that in addressing the house upon the subject, he had been solely actuated by feelings of friendship for the gallant admiral alluded to, which he trusted would plead his excuse with the house.—The motions of lord Grenville were agreed to, *nem. diss.* and the lord chancellor directed to communicate them to vice-admiral sir J. T. Duckworth.

HOUSE OF COMMONS.

Tuesday, March 25.

[MINUTES.] The bills to authorize the issue of 10½ and 1½ million of exchequer bills, were read a 3d time and passed.—The order for the committal of the bank charter bill was discharged on the motion of Mr. Vansittart, who stated that before the house went into the committee, he wished to have laid on the table an account of the circumstances connected with the loan of 3 millions due by government to the bank, and lent under the act of the 39th and 40th of his majesty, together with the interest accruing on the said loan. This paper was ordered and produced accordingly. Mr. Vansittart presented, pursuant to order, a return of the amount of the funded and unfunded debt; of the permanent revenue; and of the interest due on exchequer bills to be paid off.—The house in a committee went through the customs expiring laws bill. A new writ was ordered for the borough of Rye, in the room of Thomas Davis Lamb, esq. who has accepted the office of steward of the Chiltern hundreds.—The Secretary at War presented a return of the casualties, &c. in the army since the year 1801. The total number of men raised in Great Britain and Ireland, for unlimited service, since the 1st of Jan. 1801 to the 28th Feb. 1806; and also, return of the casualties in the British army since the year 1801, inclusive, distinguishing each year, and the casualties in the army at home from those in the army abroad, to the latest periods in the year 1805, for which returns have been received from the several stations abroad.—Mr. Whitbread reported that he had presented in the house of lords the replication of the commons to the answer delivered in by lord Melville to the last article of Impeachment.—Ordered on the motion of Mr. Whitbread, that an address should be presented to his majesty, praying for a copy of the second report of the commissioners for revising the civil affairs of the navy.—A message from the lords stated, that their lordships had appointed Tuesday, the 29th of April, for the trial of lord viscount Melville, at the bar of their own house, and that arrangements would be made at the said bar for the convenience of the managers of the impeachment, &c.—On the motion of Mr. Whitbread, it was ordered, that managers should be appointed; and that those managers should consist of the committee appointed to prepare the articles of impeachment. Also that Joseph Kaye and John Winter, esqrs. should be appointed solicitors for the conduct of the said impeachment.—Mr. Whitbread postponed till to-morrow his notice of a motion for the attendance of a committee of the whole house, upon the trial of lord Melville, in order to convenience an hon. gent. (Mr. Saunders Dundas) who was particularly interested in this question, and who could not attend on this day.

[COMMITTEE OF SUPPLY.] Mr. Hawthorne reported from the committee the following resolutions:—1. "That 693,076*l.* 15*s.* 9*d.* be granted to his majesty, for paying off and discharging certain annuities, after the rate of 5 per cent. per annum, being part of the annuities granted by two acts of the 37th and 42d years of his present majesty; and that the said sum be issued and paid without any fee or other deduction whatsoever.—2. That 2,381*l.* 17*s.* 6*d.* be granted to discharge the annuity granted to his late royal highness the duke of Gloucester, from the time it was last paid to the day of H. R. H.'s death. 3. That 51,250*l.* 14*s.* be granted, for defraying the expence of making an Inland Navigation from the eastern to the western sea, by Inverness and Fort William, for the year 1806.—4. That 10,250*l.* 14*s.* be granted, to be applied in further execution of an act, of the 43d year of his present majesty, towards repairing and maintaining roads and bridges in the highlands of Scotland, for the year 1806.—5. That 1,934*l.* 4*s.* 5*d.* be granted, for defraying bills of the usher of the court of exchequer for supplying the court and officers with stationery, &c. for the year 1806. —6. That 4,994*l.* 1*s.* 8*d.* be granted, for defraying the charge of the works and repairs of the military roads in North Britain, for the year 1806.—7. That 48,329*l.* be granted, for defraying the expences attending the confining, maintaining and employing Convicts at home, for the year 1806. —8. That 10,000*l.* be granted, for defraying the expence that may be incurred for reprinting, in the proportion of 8 volumes a year, of the Journals, Indexes, and Reports, of the House of Commons, agreeably to the resolutions of the committee of the house of commons in the sessions 1802-3, for the year 1806.—9. That 4000*l.* be granted, for defraying the expence which may be incurred for printing 1750 copies of the 58th volume of Journals of the house of commons, for the year 1806.—10. That 290,300 be granted, to defray the charge of printing and stationery for the two houses of parliament for the year 1806.—11. That 20,000*l.* be granted for defraying the expence of printing and delivering the votes of the house of commons, and for printing bills, reports, and other papers, by order of the house, during the present session of parliament.—12. That 143,849*l.* 17*s.* be granted, for the relief of the suffering clergy and laity of France, Toulonese, Dutch, and Corsican emigrants, and American loyalists, for the year 1806. —13. That a sum, not exceeding 12,000*l.* be granted, for defraying the expence of the public office, Bow-street, for the year 1806.—14. That 5,210*l.* be granted, for paying the salaries and allowances to officers of the houses of lords and commons, and sergeants at arms for the year 1806.—15. That 1,707,589*l.* 10*s.* 3¼*d.* be granted to make good the deficiency of the grants for the service of the year 1805.—16. That 3,400*l.* be granted towards enabling the trustees of the British Museum to carry on the execution of the trusts reposed in them by parliament.—17. That 1,000,000*l.* be granted to his majesty, for discharging the interest of such Exchequer bills as may be paid off in the course of the year 1806."

[VOTE OF THANKS TO ADMIRAL DUCKWORTH, &c.] Mr. *Grey* (First Lord of the Admiralty) rose and said, that since he had the honour of a seat in that house, he had never risen to perform so agreeable a duty as that which was now imposed upon him. To say that he anticipated the unanimous opinion of the house, and their approbation of the motion he had to make, would be to express but coldly his feelings of the sense they entertained of that most meritorious and important public service which had been lately performed. In speaking of the success of the brave sir J. T. Duckworth, and of those officers who had seconded him with so much gallantry, he could not speak, as heretofore, of a victory gained over a superior force of the enemy; but this circumstance did not in any degree lessen the merit of the brave admiral who commanded. The promptitude with which he left his situation at Cales, when he heard of the enemy's fleet being at sea; the skill that he displayed in taking a position to intercept them at the time they owed their escape merely to the superiority of their sailing; the arrangements that he made to pursue them; and the immediate resolution he formed upon his arrival at the West Indies to attack them, although they were reported to be much superior in number, were deserving of the highest praise. As he approached them, he learned that their squadron had been divided, which division will, in all probability, afford another occasion for a new triumph. The fleet with which he had to contend, were anchored near the town of St. Domingo; they at first endeavoured to escape, but when they found that

that was impossible, they made such a resistance as added to the glory of the brave admiral, and of the gallant officers who seconded him. The whole of the enemy's fleet were, after a short engagement, captured or destroyed. In whatever light this victory was considered, whether as adding to the naval glory of the country, or as affording an additional protection to its commercial interest; whether as giving increased means for the prosecution of the war, or for the future security of a peace; the grateful acknowledgements of that house and of the country were due, in the first place, to Providence, that had so often afforded its signal protection to the British empire; and, next to Providence, their thanks were due to those brave men, whose gallant exertions had achieved those victories which were the subjects of national triumph, and the causes of the security which was generally felt. Upon the present occasion, he thought he might venture to say, that those marks of royal approbation, which were generally given upon similar events, and which might now be expected, would not be withheld. He thought it would be unnecessary to detain the house, by making any further observations, and therefore concluded simply by moving the following resolutions:—1. "That the thanks of this house be given to vice-admiral sir John Thomas Duckworth, knight of the most hon. order of the bath, for the distinguished valour, ability, and conduct shewn by him in the action with a French squadron on the 6th of Feb. last, when all the line-of-battle ships of the said squadron were taken or destroyed.—2. That the thanks of this house be given to rear-admirals Cochrane and Louis, and to the captains and officers of the squadron under the command of vice-admiral sir J. T. Duckworth, who by their bravery and good conduct contributed to the success of that day; and that vice-admiral sir John Thomas Duckworth do signify the same to the rear-admirals and the several captains and officers.—3. That this house doth highly approve of, and acknowledge the services of the seamen and royal marines on board the ships under the command of vice-admiral sir John Thomas Duckworth, in the victory obtained over the squadron of the enemy on the 6th of Feb. last; and that the officers commanding the several ships do signify the same to their respective crews, and do thank them for their good behaviour." These resolutions were carried, *nem. con.* and the speaker was ordered to signify the same to vice-admiral sir J. T. Duckworth.

[WATERFORD WRIT.] Mr. Secretary *Fox* said, he wished that the deputy clerk of the crown should be called in, to be examined as to the non-arrival of the return for Waterford. A considerable time had now elapsed since the election had taken place, and yet he understood that the return was not yet received by the clerk of the crown. The return ought to have been forwarded the day after the election. In the present instance the delay was extraordinary, and there were surmises that it was not purely accidental. He gave notice, that if the return did not arrive before that day, he should, on Thursday, move that the sheriff of the county of Waterford be ordered to attend at the bar. The deputy clerk of the crown was then called in and examined. He said that the return had not been received by him. Mr. Fox then gave notice of a motion on Thursday.

[DUBLIN PAVING BILL.] Mr. C. Wynne moved the further consideration of the Dublin Paving bill.

General *Loftus* complained of the hardship which the Paving board of Dublin suffered in consequence of the suspension by lord Hardwicke, and the stigma which that suspension attached to their character.

Mr. *C. Wynne* begged gentlemen to understand that this bill did not at all affect the question between lord Hardwicke and the Paving board, as the object of this bill was to grant a certain sum of money for the paving, cleansing, and lighting of the streets of Dublin.

Lord *De Blaquiere* spoke in favour of the Paving board, of which he was a member, and requested the house, before they passed this bill, to take time deliberately to ponder.

Mr. *J. Latouche* vindicated the conduct of lord Hardwicke, who suspended the paving board in consequence of the report of a commission of enquiry; which report contained many and strong charges of malversation against that board. But this report would be soon laid before the house, and gentlemen would then be enabled to judge of lord Hardwicke's conduct, and of the character of those who complained of him.—The bill was ordered to be read a second time this day three weeks.

HOUSE OF LORDS.

Wednesday, March 26.

[MINUTES.] The 10,500,000*l.* and

1,500,000*l.* Exchequer Bills bills, the Spirit Excise Duties bill, and the Felons' Transportation bill, were read a 2d time and committed.—Mr. Johnson, from the Office of the Chief Secretary for Ireland, presented several Accounts and Papers pursuant to the Act of the 44th Geo. III. which were ordered to lie on the table.

HOUSE OF COMMONS.

Wednesday, March 26.

[MINUTES.] Mr. Holford brought in a bill for forming the Philanthropic Society into a Corporation, which was read a first time, and ordered to be read a 2d time. Mr. Johnson, from the office of the Chief Secretary for Ireland, presented an account of all Offices granted in reversion in Ireland, with the periods for which granted, and the dates of the grants.—Mr. Rix, from the Excise Office, presented an account of the Malt charged with duties for the two years ending 5th Jan. 1806.—Mr. Burdon brought in a bill for the better regulation of the admeasurement of Coals seaborne, which was read a first time.—Mr. Vansittart obtained leave to bring in a bill to empower the Commissioners of the Treasury in Ireland to issue Treasury Bills on the credit of the Supplies for the year.—General Tarleton gave notice of his intention on the day previous to the house adjourning for the Easter Holidays, to submit to the house a motion on the State of the Military Defence of the Country, particularly on the Defence Act, provided this subject was not in the mean time taken up in another quarter.—Mr. Tierney mentioned that he wished to propose an alteration in the Treating bill, and would move that it should be committed now, printed as amended, and afterwards recommitted. The bill was accordingly committed, passed the committee, reported, ordered to be printed as amended, and to be re-committed on Monday the 21st of April.

[COMMITTEE OF SUPPLY.] On the motion of Mr. Vansittart, the estimates of the charges of the establishment in New South Wales, the Plantations, &c. and the account of exchequer bills issued under an act of the 39-40 of George III. were ordered to be referred to the Committee of Supply. The house resolved itself into a committee. Previous to the first resolution being put, that a sum not exceeding 3 millions be granted to his majesty, for paying off exchequer bills,

Mr. *Vansittart* made several observations on the subject. He said that the Bank of England, with that liberality which distinguished all their proceedings, had expressed their willingness to extend the accommodation, on condition of receiving only 3 per cent. instead of 5, to which they were entitled. It was nevertheless necessary, as a point of form, to vote the present resolution.

Mr. *Tierney*, so far from thinking the conduct of the bank liberal, thought that nothing could be more illiberal. The bank lent this 3 millions to government for 6 years, without interest, as the price of their charter, which had been granted to them on terms which in his opinion ought not to have been allowed. They now came and offered it at 3 per cent. and then talked of their great liberality, when it was well known that, owing to the restriction on the issuing of specie, and the substitution of bank-notes, they had not only not lost sixpence by this loan, but had been enabled to make very extraordinary profits, of which, indeed, they had boasted, and which certainly should have had the effect of rendering them a little more generous to those through whose means they had obtained them. This accommodation did not cost the bank one farthing beyond the paper on which the notes were printed. He did not object to the resolution, but he rose merely to state that the bank had driven a hard bargain, and made an ungrateful return to the country for the privileges that had been granted to them.

Mr. *Vansittart* thought that the sacrifice of 60,000*l.* a year was a proof of very great liberality.—He did not pretend to deny that the bank had derived considerable advantages from their charter; advantages, indeed, much more considerable than were contemplated in the first instance; but certainly, comparing what the charter prescribed with what the bank had voluntarily offered, the offer must be deemed a liberal one.—The following resolutions were then put and agreed to, *viz.* 1. "That 3 millions be granted to his majesty, for paying off and discharging the exchequer bills made out by virtue of an act of the 39th and 40th of his present majesty, intituled, 'An act for establishing an agreement with the governor and company of the bank of England, for advancing the sum of 3 millions towards the supply for the service of the year 1800,' outstanding and unprovided for.—2. That 30,000*l.* be granted to discharge bills drawn, and to be drawn, from New South Wales, which may become due in the course of the year 1806. —3. That 8,250*l.* be granted for defraying the charge of the civil establishment of the province of Upper Canada, in America.—4. That 7,165*l.* be granted for defraying the charge of the Civil Establishment of the Province of Nova Scotia.—5. That 4,650*l.* be granted for defraying the charge of the Civil Establishment of the Province of New Brunswick, in America.—6. That 3,100*l.* be granted for defraying the charge of the Civil Establishment of the Island of Saint John, in America, now called Prince Edward Island.—7. That 2,040*l.* be granted for defraying the charge of the Civil Establishment of the Island of Cape Breton, in America.—8. That 2,565*l.* be granted for defraying the charge of the Civil Establishment of the Island of Newfoundland, in America.—9. That 4,400*l.* be granted for defraying the charge of the Civil Establishment of the Bahama Islands, in America, in addition to the salaries now paid to the public offices out of the duty fund, and other incidental charges attending the same.—10. That 1,030*l.* be granted for defraying the charge of the Civil Establishment of the Bermudas or Somers Islands. —11. That 600*l.* be granted for defraying the charge of the Civil Establishment of the Island of Dominica.—12. That 12,819*l.* 9*s.* 4½*d.* be granted for defraying the charge of the Civil Establishment of New South Wales; all the above from the 1st of Jan. to the 31st day of Dec. 1806.—13. That 1,420*l.* be granted towards defraying the charge of the superintendence of Aliens, according to the provisions of an act passed in the 43d year of his present majesty, for the year 1806."

[CAPE OF GOOD HOPE.] Mr. Vansittart moved the 3d reading of the bill for regulating the trade of the Cape of Good Hope.

Mr. *W. Keene* supported the motion, making a number of observations, tending to shew his sense of the importance of that settlement, and the expediency of retaining it in our possession in the event of a peace.

Lord *Garlies* took the opportunity of asking the gentlemen opposite, whether or not it was intended to take any parliamentary notice of the brilliant achievement of those gallant men by whose zeal and exertions that important possession had been reduced. A considerable part of the honour attending this exploit belonged to the military. Perhaps the conquest not being completed might be the cause of apparent tenderness in calling for the sense of the house on this subject.

Lord *Henry Petty* observed, that as none of his hon. friends who were more immediately connected with the military department were present, he felt some difficulty in answering the noble lord's question. He was not aware that any motion, of the nature alluded to, was in agitation; and he had no hesitation in giving it as his opinion, that such a motion would be premature until the conquest had been completed.—It may seem paradoxical to say that this mode of increase is preferable to one more gradual and less alarming to the public. A gradual rise would have led to the supposition that this was a fund to be drawn upon to an indefinite extent, but being raised at once to its natural limits, there will be less suspicion of future augmentation.

Lord *Castlereagh* rose to submit to administration the propriety of proposing a vote of thanks to the gallant officers alluded to. Towards the close of the last war the thanks of the house were not delayed to the conquerors of Egypt until the conclusion of the campaign. In his apprehension the degree in which our troops had distinguished themselves on the opening of the business was sufficient to induce parliament to express a grateful sense of their conduct.

Lord *Henry Petty* repeated, that, as the conquest was incomplete, such a vote would be premature.

General *Tarleton* pressed the propriety of an immediate vote of thanks for the gallant services that had been rendered, and deprecated the idea of forbearing until the whole conquest was completed. Should a large body of the enemy land at the Cape, it was impossible that the laurels which our brave troops had gathered should be withered by that event; but they might be deprived of that honourable distinction which he was desirous should be conferred on them.

Lord *Henry Petty* observed, that, instead of a conversation like the present, it would be better for any hon. gent. opposite, who wished, to bring forward a precise motion on the subject.—The bill was then read a 3d time and passed.

[IMPEACHMENT OF LORD MELVILLE.] Mr. *Whitbread*, in consequence of the notice which he had given yesterday, rose to submit a motion to the house, respecting the trial of lord Melville. The hon. gent.

said, that the motion of which he had given notice for the house being present at the trial in a committee of the whole house, he considered to be so much a matter of course, that it was with extreme surprize he first learned that any opposition was meant to be made to it. It was so completely incomprehensible to him what could be urged against his present motion, that he should not think it necessary now to endeavour to anticipate what might be said, but hoped the house would indulge him with a few words in answer to any thing which might be advanced on the other side. He then moved that the house be present at the trial of lord viscount Melville, as a committee of the whole house."

Mr. *Robert Dundas* (son of lord Melville) said, the hon. gent. in making his present motion must be aware that its effect would be, to necessitate the house of lords to address his majesty for having Westminster-hall fitted up for the purpose of their proceeding to the trial. That, however, being the case, he hoped he might be entitled to say a few words on the subject, by which he hoped to be able to make it appear, not only that such a step would lead to the highest inconvenience, but would, perhaps, be the source of gross injustice and oppression by the delay and expence which such a proceeding would produce. Whenever any question occurred in which it might be necessary for the house of lords to deliberate, all that would be required, if the trial proceeded in their own house, would be, for the managers to retire till the question was discussed. But, if the trial proceeded in Westminster-hall, the lords would be obliged, on every such occasion, to retire to their own house, and if they continued debating till near the usual hour of adjournment, there would be little chance of their returning to the hall that day. In this way it was a fact, that not less than two or three days of delay would take place in the one case for one in the other. He trusted he did not ask too much of the house in hoping, that in the pursuit of justice they would not be guilty of oppression; that they would not adopt a mode of trial which would be vexatious in point of time, and ruinous in point of expence. He thought the case of Mr. Hastings would have been sufficient to warn the house against the adoption of a proposition like the present. He had no doubt the managers would conduct the case with all the expedition in their power; but it would not be in their power, or in that of the accused, to do so in Westminster-hall. The hon. gent. himself (Mr. Whitbread) unquestionably, in his opening speech against lord Melville, alluded to an impeachment to be tried in the house of lords, and his referring to the case of lord Macclesfield was a sufficient proof of this. He trusted the hon. gent. would not now depart from that idea, and revert to the other more severe, inconvenient, and oppressive mode. The case of lord Macclesfield, on which the hon. gent. himself had dwelt, was tried at the bar of the house of lords. It occupied only 21 days; and the case of Mr. Hastings, which was tried in Westminster-hall, lasted for eight sessions. Though the accused had here preferred impeachment to criminal prosecution, he hoped the hon. gent. would not now turn round on him and deny to him the mode of trial which he himself had once pointed at, and insist on one much more oppressive in its nature and effect. The matter might occur to him more forcibly than to other members of the house, but he hoped the house would excuse him in stating it. The hon. gent. was in possession of ample documents to convince him that the private fortune of the individual here accused was not adequate to the support of an expensive trial; and when equal justice, and before the same tribunal, might be procured at a smaller-expence, he submitted that it could never be the wish of the house, or of the hon. gent., to purchase it at a greater expence to the party accused. The hon. member declared that he should not press the matter to a division, if the sense of the house seemed to be against him, as the matter might strike him differently from what it might occur to others. He concluded by cautioning the house, in their search after substantial justice, not to go into the extreme of substantial injustice.

Mr. *Tierney* said, that when the house had at last come to the resolution of impeachment, he had trusted, that no farther question on the subject would have been introduced. He was far from wishing to say any thing that might hurt the feelings of lord Melville; and he could not help bearing his testimony to the strict propriety with which the hon. gent. who opposed the motion had conducted himself, during the whole course of the discussion; but he was confident the house could not hesitate to adopt the motion before them.

The substantial ends of justice might, indeed, be attained by a trial at the bar of the house of lords, but not with the same satisfaction to the public mind. He had always preferred the trial by impeachment, as more applicable to the high rank of the person accused, and the nature of the charges brought against him; and for the same reason, he thought that the trial should be conducted with every possible solemnity, so that the public might be convinced that no rank or station, however high, could protect any man from a solemn decision. The public expected this solemn trial, attended with every degree of publicity, and would not be satisfied without it. With regard to its bearing hard on the private fortune of lord Melville, a similar plea had been urged by Mr. Hastings, but it had not been listened to by the house. The hon. gent. also complained of the delay that would ensue; but this house would not be accountable for any delay that might take place. The house were prepared to establish their charges, and such complaints might be addressed with more propriety to another house. In fact, all the difference in respect of time between a trial in Westminster-hall, and one at the bar of the house of lords, would merely be in their lordships travelling at times between the hall and their own house. He concluded by giving his support to the motion.

Mr. *Bankes* said, he could see nothing to persuade the house to do that in lord Melville's case, which it had found so inconvenient in that of Mr. Hastings. In the course of that trial the delay was disgraceful, and the expence intolerable. He had all along been against sending any accused person to be tried in Westminster-hall, if any other place could be found where the ends of justice could be obtained; and he had formerly contended against taking this case from the ordinary course of law. He was sorry when the house had come to a different determination; but he still hoped, that they would not adopt that mode of trial, which, in the case of Mr. Hastings, had done them no credit. Every end of justice would be fully answered by a trial at the bar of the lords, while the solemnity, the dignity, and decorum requisite on such an occasion, were liable to be interrupted in the promiscuous assemblage at Westminster-hall. Was the case of lord Macclesfield of less importance than the present? Were the feelings of the public less interested by it, and less roused on that occasion? But in his case, a trial in Westminster-hall was not thought necessary. An hon. gent. had said, that it was necessary to satisfy the expectations of the public; but if they expected any thing beyond the distribution of justice, he did not see how they were entitled to be satisfied. But it might be said, that they looked forward to a great public spectacle; he believed, however, that the public held such spectacles in abhorrence. The trial of Mr. Hastings had completely disgusted them with such exhibitions. If the 21 days trial of lord Macclesfield were compared with that which lasted eight sessions of parliament, it would be easy to see which deserved the preference. The various necessary delays that must ensue, and the time that must be consumed in a thousand ways, were all arguments against a trial in Westminster-hall. Even the money that might be necessary to fit up Westminster-hall, should not be lightly thrown away at the present moment. We were so much in the habit of voting large sums, that small sums lost their importance, and dwindled into insignificance; but the present was a period which called loudly for every degree of parsimony consistent with the public service. Neither ought the individual, who is the object of impeachment, to be loaded with one shilling of unnecessary expence. On all these grounds he opposed the motion of the hon. gent.

Lord *Folkestone* contended, that it was unfair to contrast the trial of Mr. Hastings with that of lord Macclesfield, or to ascribe the great length of the former to the time consumed in the forms attendant on such a mode of trial. It was owing to very different circumstances; to the variety of the charges brought against him, and the complicated nature of the evidence by which they were supported. It was a principle of the constitution, that all trials should be conducted in as public and open a manner as possible; and surely, this principle operated with the greatest force in the case of an impeachment. It certainly could not be held so public at the bar of the house of lords, for there the space below the bar was so small that it would not accommodate the committee of this house. With respect to the expence, he believed it would be found less than gentlemen conceived. A great deal depended, in his opinion, upon parade and show; as useful and salutary lessons might be drawn from the solemnity of the scene. As to the objection, of its interrupting the course of business, he must observe, that if the trial was carried on in the house of lords, the judges must attend, and therefore the business of the law courts would be suspended in the same manner.

Lord *Henry Petty* said, that though he differed in opinion from the hon. gent. who had preceded the noble lord, yet he was not surprised at the arguments he had advanced. He had originally opposed the mode of trial by impeachment, and might therefore be consistent now in resisting a trial in Westminster-hall; but to hear those who had preferred impeachment, from the consideration of the rank of lord Melville, and the nature of the offence with which he was charged, concur in the arguments of the hon. gent., and opposing now the ancient and constitutional mode of conducting that impeachment, was rather extraordinary. The hon. gent. had said, that the trial of Mr. Hastings reflected disgrace on the house. He, for his part, was not aware of any such disgrace, though he had heard it had been attended with much inconvenience. The present case, he said, differed widely from that of Mr. Hastings. Here all the charges, and all the evidence adduced in their support, bore distinctly on one point. He contended, that if the house did not agree to the motion of his hon. friend, it would amount to a declaration, that all the ancient and constitutional forms of impeachment were impracticable. The expence attendant on this mode of trial had been stated as an objection against it. It was not the expence of paper that might be consumed, or of benches that might be erected, but the want of those constitutional enquiries into misapplications of the public money, that could ever prove ruinous to the country. The danger of the country was great; the danger which now impended over its finances would be the result, not of enquiries, but from neglect of attention to those constitutional prosecutions, which are at once the protection of the public, and the surest means of guarding its purse. The hon. gent. had stated the situation of the noble lord as being peculiar. So indeed was the situation of the public. It will be my lot, said the noble lord, and arduous will the lot be, to propose in a few days a large augmentation of the public burthens. If I may be allowed to feel more than any other man the importance of convincing the public that their money is rightly applied, and that their burthens should not be unnecessarily increased, it must be my anxious wish that every species of enquiry should take place, that they shall see their interests are upheld. With respect to the case of the noble lord, it is highly essential to their interests, that the utmost notoriety and publicity should be given to the trial, in order that they may have an opportunity of attending it, to witness their interests protected and discussed. They will likewise have the satisfaction of knowing, should the noble lord be acquitted, that the grounds of the clamours raised against those who support the enquiry are totally false. They will have this satisfaction, and they will also have the satisfaction of seeing ample justice done to the noble lord's character. So much for the subject of public expence. With respect to the subject of the expence to the noble lord, that may, either in the event of acquittal or condemnation, be a fit object of future discussion. The noble lord wished for all consideration of that nature to be deferred. The first object was the attainment of substantial justice in the most clear and public manner that would be obtained by a trial in Westminster-hall, and he was consequently impelled to vote for the motion of his hon. friend.

Mr. *Rose* declared that he was one of those who preferred the mode of trial by impeachment in preference to that in the court of King's Bench, because he thought the peculiar situation and dignity of the noble lord required it: but he was also of opinion that the object of the house would be much better and more effectually attained by prosecuting at the bar of the house of lords, than by proceeding with tedious forms and ceremonies in Westminster-hall. In advancing that opinion, he was supported by the result of the trial of lord Macclesfield, which was concluded in 21 days from its commencement. With this precedent on the one side in favour of the trial at the bar of their lordships, and that of Mr. Hastings against a trial at Westminster-hall, he thought that few men could hesitate to make a choice, or decide which mode was more eligible. His reason for thinking that the trial at the bar of the lords would be more public was, that every person might go into the house of lords, when the doors were open, without special permission; but every member in the house must know, that no person but a member of either house of parliament could attend the proceedings at Westminster-hall, without the admission or leave of a peer. The noble lord (H. Petty) had mentioned his feelings and anxiety in being obliged to impose taxes; the noble lord had also lamented the difficulties which surrounded him; he was as sensible as any man of those difficulties, which he knew to be very great; but he was also sure that the country possessed resources fully adequate to meet all difficulties, dangers, and emergencies: and with that impression on his mind, he did not think there was any room for gloom or despondency.

Lord *H. Petty*, in explanation, said, that he had not spoken in gloomy language of the financial prospects of the country. He had said, that the country could only be ruined by a want of principle in those who directed its resources.

Mr. *Whitbread* said, he felt a due sense of the decorous conduct of the hon. gent. who commenced the debate, and should be ready to take every opportunity of acknowledging it. The hon. member had, as it were, put himself on the mercy of the house and entreated it not to adopt a mode of proceeding which would be harassing and oppressive to the noble person who stood accused. He assured the hon. gent., that he would be the last man in the house who would support any proceeding of that description; it was not in the contemplation of himself or the managers; and he could also undertake to say, that it was as little the intention of the other members of the house, with whom he had the honour of acting, to press lord Melville to a trial, vexatious or harassing, but it was their intention as well as their duty, to carry on proceedings against that noble lord with the solemnity and notoriety which had distinguished this country on such occasions from every other in Europe and tended so essentially to establish its fame. If the hon. gentlemen on the opposite side pushed their arguments, the consequence would be, that they must desire parliament and the country to get rid of all public trials, to exclude audiences from the very courts of justice, and, in fine, from every place in which the laws of the country were to be administered. But he differed from the hon. gent. in this respect, and thought that publicity was necessary in trials of every kind, and the best guard for the security of persons and property, as well as for the discharge of great public trusts. It was a little singular, however, that in this particular case the mode was the choice of the noble lord's friends; for surely, when they reversed the decision of the house for a criminal prosecution in the court of King's Bench, they must have had the present mode of trial in view, because, since the Revolution, Westminster-hall was the only place in which trials of impeachment had been conducted, with the exception of lord Macclesfield's case. He would ask, whether the shortness of that nobleman's trial was attributable to his being tried at the bar of the house of lords? The answer to this question would be easy, when it was considered that there were very few objections made at the trial; therefore, it might be concluded in as short a time at Westminster-hall as in the house of lords. He was ready to admit, that he had referred to the case of lord Macclesfield, in the debates respecting lord Melville, with a view to shew, that the precedent of Mr. Hastings's trial should not dissuade the house from adopting the trial by impeachment; but when he urged that precedent, he had no mode of trial in contemplation but that which the managers recommended. The house must be aware that a strong protest had been entered on that occasion on the journals of their lordships, against the mode of trial pursued in the case of that noble lord. The hon. gent. next read the following extract from the said protest: "Because we are of opinion, that it highly "concerns the honour and dignity of this "house, in all cases of Impeachments, "that the trial should be in the most pub-"lic and solemn manner; that being most "suitable to the laws and constitutions of "this kingdom in all cases whatsoever, "but is more especially requisite in a pro-"secution of the commons of Great Bri-"tain begun and carried on by their repre-"sentatives in parliament; for which rea-"sons we think, that this trial ought to be "had in Westminster-hall, and not at the "bar of the house, where it is impossible, "as we conceive, to provide room and "other conveniences for the attendance "of the house of commons, and such others "of the subjects of this kingdom who may "be desirous to be present at this trial."—The hon. gent. was really at a loss to comprehend the right hon. gent. (Mr. Rose), when he stated that the trial would be more public at the bar of the house of lords than in Westminster-hall. Would not the members of the house of commons wish to attend that trial? Yes, but they could not satisfy their wishes in the former place, for want of space. The right hon. member observed, however, that the house of lords had been enlarged since the time of lord Macclesfield's trial; so had the house of commons; and the relative situation of both houses was still nearly the same as to room and convenience. The trial of lord Macclesfield afforded also a kind of warning; for he had read, that the pressure of the crowd at the trial of that noble lord was so great, that one of the managers had been squeezed to death. (A cry of name! name!) The name of the hon. gent. as well as he could recollect, was Mr. Fazakerley. He certainly thought that this trial should be held at Westminster-hall, as the place most suitable to the dignity of the house and the country. In reply to the right hon. member's observation as to the peers' admissions, he would say that the question was still the same; for if the peers could exercise a privilege in the one place, they were entitled to exercise it in the other. The simple point therefore arising from this part of the subject was, which of the two places was capable of holding most people. The hon. member (Mr. R. Dundas) said that he was acquainted with the private fortune of lord Melville. Certainly, in the prosecution of their duty, the managers had come to the knowledge of many private circumstances, which it was impossible for them to separate from the public transactions of that noble lord. He could not agree, however, that because a person against whom a charge had been preferred, represented smallness of fortune and inability to support the expences attending trial, that therefore all proceedings should be shaped in conformity to his wishes. If this argument were allowed, it would destroy all prosecutions; for the party accused had only to plead poverty, and thus escape, perhaps, from the punishment which he merited. If the house of lords deemed it essential to the interests of the public, that Mr. Hastings should have been tried in Westminster-hall, instead of taking it at their bar, was not the same reason substantial for having lord Melville's trial at the same place? He was one of his majesty's ministers, enjoying the confidence of the crown; and holding the situation of first lord of the admiralty, he was a privy counsellor; in short, he held those situations which ranked him amongst the first subjects in the realm; it was highly necessary, therefore, that the public should receive every facility to attend the trial of so great an individual It was due to the noble lord himself to give publicity to his trial, in order, if he were innocent, to enable the people to judge fully of the hardships under which he must labour from the imputation of guilt; and, on the other hand, if the noble lord was guilty, the place of trial ought to be capacious enough, if possible, even for the whole nation, whose interests were most deeply involved.

Mr. *W. Dundas* said that he had listened in vain with a view to hear any essential reason of justice or expediency urged, why the trial should take place in Westminster-hall rather than at the bar of the house of lords. He did not say that there ought to be no impeachment; but he contended that it was of the essence of justice that it should not be dilatory nor unnecessarily expensive. Every person, as an hon. friend of his had observed, was to be presumed innocent till he was found guilty. He therefore, for the present, presumed that lord Melville was innocent; and in this view, the mode of proceeding now proposed would bring the punishment of guilt on an innocent person. He did not consider this as a party question, but asked, whether it was just or generous that a person who, setting the present affair aside, had rendered essential service to the country, and was therefore entitled to its gratitude, should, by the enormous expence to which he would be exposed, be consigned for the remainder of his life to want and poverty? The noble lord (H. Petty), and the hon. gent. who spoke last, had adverted to the old mode of proceeding, and to the trial of Mr. Hastings; but was there a lawyer in Westminster-hall who did not consider that trial as an abominable disgrace? The Judge Advocate (Mr. Bond), in proposing a criminal information, had argued respecting this abomination, this foul stigma, with the greatest eloquence. Why was he not here to-day to support his argument? He concluded by again asking, whether it was consistent with justice or generosity to bring a load of expence on the shoulders of the accused, which, whether innocent or guilty, would weigh him down to the earth?

Mr. *Perceval* said, that if any one circumstance had been mentioned which could prove that the trial should take place in Westminster-hall rather than at the bar of the house of lords, then indeed he might perhaps have been silent; but as none such had been mentioned, he trusted the house would be open to receive any impressions that might be expected to be made by the arguments of his hon. friends. It was said that he and his friends were inconsistent in having first wished for the impeachment, and then endeavouring to have it conducted at the bar of the house of lords. Where was the inconsistency? They wished for impeachment still in preference to information, but they wished at the same time that it should be carried on in the manner least oppressive to the individual accused. Was there any novelty in having the impeachment at the bar of the house of lords? No; for the trial of lord Macclesfield was conducted in this manner. But even if there had been no instance of this kind, he would have been desirous of introducing that novelty, because he thought that course the most proper which united the essential attainment of justice with the least oppression to the individual. As to the point of inconsistency he, as the person who, in case the mode of information had been adopted, would have had the business to manage, had felt the difficulties that would attend this course of proceeding. The managers had better means of acquiring important information by the mode of impeachment, and in fact it was not till of late that they had discovered what to them appeared matter of great consequence. Now, what would have been the situation of the case, if, instead of having an additional article, as now, he should have had to make this an additional count in his information? They talked of the inconsistency on his side of the house. Now, was there no inconsistency on the other? They first voted for an impeachment indeed, but they subsequently voted for a criminal information. Why did they do so? Would the trial have less publicity at the bar of the house of lords than in the court of King's Bench? The privacy *then* was no objection. It was strange that they should *now* insist so much on publicity. A right hon. friend of his (Mr. Tierney) had asked, whether the argument against this solemn impeachment would not go to all cases? Even if it had, that would not have deterred him from preferring the trial at the bar of the house of lords. He certainly valued the privilege of impeachment highly; and this was the very reason why he wished it should be conducted in the least oppressive mode, as otherwise it would be in danger of falling into disuse. His hon. friend under the gallery, (Mr. Bankes) had been so impressed with the inconveniencies attending the trial of Mr. Hastings, that he had formed a resolution to oppose the impeachments when any other course could be adopted. But at all events it was desirable we should have the benefits without the inconveniences of it. He then adverted to the great difference it would make in point of time; and contended that the great object ought to be to remove from the mode of trial by impeachment every thing oppressive and embarrassing.

Mr. Secretary *Fox* rose to trouble the house only with a few words. But something which fell from the hon. and learned gent. who spoke last, induced him to trespass on their attention for a moment. That hon. and learned gent. had charged him, and those who agreed with him in thinking that lord Melville ought to be brought to trial, with inconsistency, in voting first for an impeachment, and then for a criminal information. They had done so undoubtedly; but under what circumstances? The house would keep in mind, that the question then was between them and those who opposed all criminal proceedings whatever, and who strained every nerve in order to prevent any sort of trial. He had then stated the reasons which induced him to act as he had done. But as the hon. and learned gent. had thought proper to say nothing about them, and possibly might have forgot them, he would state them again. If the pure question had been whether there was to be an impeachment, or a criminal information? he would have preferred an impeachment. But when he saw that the motion for an impeachment was lost by a majority, hollow as it was, he had no alternative but to adopt a less eligible mode of proceeding, rather than have none at all. But how was that majority procured? Why; by the union of two parties, one of which endeavoured to stop all proceedings. The two gentlemen, relations of lord Melville, who brought forward and supported this proposition, were certainly justifiable in what they did. Nobody could be more alive to the sympathy of relationship, or of friendship, than he was; but at the same time he must say, that they were not exactly the persons whose directions were to be followed in this instance. How did the case stand? A motion was made for a criminal information, and at the time it was pretty plainly insinuated that this was the mode which, on account of the comparative smallness of the expence, the accused would prefer; but afterwards it appeared that lord Melville, upon re-consideration, with all the disadvantage of the additional expence, preferred the mode of impeachment. But was it ever said or insinuated that the impeachment was not to be conducted in the most solemn manner? Not an idea was entertained that the trial would not be allowed to proceed in the way best calculated to answer the ends of public justice. On the contrary, the cordial support of the hon. gentlemen was promised to the managers who were to conduct the impeachment. He had no doubt of the sincerity of that promise, and as little did he doubt that the present opposition of the hon. gentlemen proceeded from their conviction that they could conduct the business much better than the managers who had been appointed for that purpose. But then he might be afraid of such friends. They had voted against all criminal proceedings whatever, and certainly the bias therefore ought to be against them. With regard to the length of time, his hon. friend had given sufficient reason to suppose that the difference would not be material; and as to the argument of the right hon. gent. (Mr. Rose), who maintained that a trial at the bar of the house of lords would be as public as one in Westminster-hall; he was convinced that his reasoning would have very little influence on the house. Now, why should we resort perpetually for directions to those who had opposed all criminal proceedings in this case? It was an old rule of the house, which was now dropped, perhaps properly, but which was not without some grounds to support it, that no persons should be allowed to speak in a committee on a bill who opposed the principle, because it was thought that such persons would not make any alterations in the detail which would promote the object of the bill. As to the policy of the conduct of these gentlemen with regard to themselves, that was their business; but, in a public view, it would be the worst policy in the world to raise even a suspicion of a collusion with those who opposed the bringing of lord Melville to trial in any way. Could any man doubt with regard to the publicity of this affair, that all the arguments which went to shew the advantage of an impeachment over a criminal information, went also to prove the advantage of a trial in Westminster-hall, above one in the house of lords? Were they not aware that all the arguments in favour of solemnity and publicity, which had once been urged in favour of an impeachment, might now be turned against themselves? "A public spectacle!" said an hon. gent. opposite to him. Why, he hoped that every trial of this kind would be rendered a public spectacle, and that as many as possible would be admitted to them; not, indeed, with a view to influence them; but that those who were concerned in such trials, might feel the responsibility of their situations and characters; that the public might be satisfied that every thing was fairly conducted, and that the decision, whether one way or the other, was given with that deliberation and impartiality, which the circumstances of the case required.

Mr. *Canning* said, that after the speech of the right hon. gent. (Mr. Fox), and when it was considered how much warmth he had thrown into that speech, he scarcely knew what course he had to take. If it was decided that the strong arm of government was to fall upon lord Melville, perhaps it would be as well if gentlemen on that side of the house were to hold their tongues altogether. The right hon. gent. besides imputing to them the greatest inconsistency, seemed to consider, that every argument which came from them should be received with the greatest suspicion. The hon. gent. had also stated, that it was impossible that those who voted for the impeachment could have then in their contemplation that such impeachment would be regulated by the precedent of lord Macclesfield's case, rather than by that of the other precedents of impeachments in Westminster-hall. It, however, was natural that they should look to that case, which was the only one cited at that time. As for himself, he trusted that his assertion would deserve as much weight as the general assertion of any other gentleman; and he must declare that he had this case in his contemplation when he voted for the impeachment. The right hon. gent. had expressed surprise that they did not look to the last precedent, that of the trial of Mr. Hastings. That was a case of which not only the public opinion, but parliament itself, had pronounced upon, when it appointed a new judicature to try offences of that nature in future. As to the authority of arguments being lessened when coming from relations or private friends, he thought there should be full as great a diminution from their authority when they came from persons of a contrary description. For example, a noble lord (Henry Petty) had held nearly the following language: "You feel disposed to shelter lord Melville as private friends, but I feel as chancellor of the exchequer." Whether the feelings of nature, or the sensibilities of office, deserved the greater respect, he left it with the house to determine.

Mr. *Whitbread*, in explanation, said, that when he had cited the case of lord Macclesfield, he only meant to shew, that impeachments were not necessarily attended with great delay; but as a right hon. gent. (Mr. Canning) had mentioned what was in his contemplation, he should also mention what passed in his; he had intended originally to move, that the impeachment should be in Westminster-hall, and had mentioned it to the late Mr. Pitt, who made no objection to it.

Mr. *C. W. Wynne* supported the motion on constitutional grounds. Impeachment was the best mode of proceeding, and it was proper to have it as open as possible. The house of lords might be thrown open, but few could get in. He expressed his surprise at the logic of some hon. gentlemen. Because Mr. Hastings's trial had lasted eight sessions, did it follow that all trials conducted in the same way were to last an equal time? The great delay that took place on that occasion might be attributed to other causes. In an impeachment, the house of lords had the right of chusing the days of trial, and adjourning it as they pleased; and during the trial of Mr. Hastings, there was one year in which but four days were appointed for the trial.

Mr *Wallace* said, he was one of those who from the beginning, disapproved of the prosecution of lord Melville, and who thought there had not been a sufficient ground of accusation made out against him. His opinion was unaltered; but since the trial was resolved on, he thought the great object at present was, that speedy justice should be done, and with as little vexation as possible, to the party who was the object of the trial. The proceeding itself inflicted a very severe penalty on the defendant, and would draw down the punishment of guilt upon the head of a person who might be innocent. As to the arguments that had been relied on, of the superior publicity and solemnity of the trial at Westminster-hall, they made but little impression on his mind. He did not consider the publicity of a trial to depend entirely upon the number of persons who were present at it. The proceedings of the court of King's Bench had, as he thought, sufficient publicity, and yet that court was so small, that it was not capable of admitting many persons; and when the occasion was considered, he could not conceive that much additional solemnity would be gained either from the place of the trial, or the number of persons who attended. These circumstances might produce a considerable irritation in the public mind (which perhaps was what was wanted), and it might gratify the vanity of certain gentlemen, in giving them a bettter opportunity of displaying those talents which they might fancy they possessed. He felt a still greater objection to the trial being at Westminster-hall, when it was recollected that the chief justice of England was made a minister and a party man, as much as it was in the power of government to do.

Mr. *Grey* could not exactly understand what the hon. gent. meant by his concluding observation; for whether the trial was in Westminster-hall, or at the bar of the house of lords, lord Ellenborough would in either case have the same right as a peer of parliament, and nothing more. As to parliament having shewn its disapprobation to the impeachment of Mr. Hastings, by establishing an East-India judicature, he must observe, that that appointment was made in 1784, whereas the impeachment of Mr. Hastings began in 1788; and, if parliament meant to shew disapprobation to impeachments, it would not merely have created an East-India judicature, but a general judicature for trying offences which were formerly tried by impeachment. A right hon. gent. (Mr. Canning) had spoken of "the strong arm of government being directed against lord Melville." He should have recollected, whether on a former occasion, and when he was connected with administration, "the strong arm of government" had not been exerted to withdraw lord Melville from justice, and to protect him from the charges which the house had brought against him. But how was it that government could now be said to use their power? They only wished to give the greatest publicity to the trial, and publicity had always been supposed the best defence of the subject against the strong arm of government. He thought the general question had been amply discussed; and should only observe, that the difference of expence between the trial at Westminster-hall, and at the bar, would be to the defendant nothing near what had been suggested in the course of the debate.—The motion was then put and carried.

HOUSE OF LORDS.

Thursday, March 27.

[INSOLVENT DEBTORS.] Lord *Holland*, adverting to the petitions on the table from the debtors confined in different prisons, observed, that he had hitherto declined to bring forward any measure upon this subject, from a consciousness that he was unequal to the task. The unfortunate situation, however, in which many of his majesty's subjects were placed by being confined for debt, would not allow him to delay bringing forward a bill for their relief. He therefore gave notice that he should, next week, bring in a bill of that description in the form which had several times been sanctioned by their lordships for the relief of Insolvent Debtors. After the bill had been read a first time, he intended to give a very short notice of the 2d reading.

[IMPEACHMENT OF LORD MELVILLE.] Mr. Whitbread, and several other members of the house of commons, brought up a message, purporting that the house should attend the trial of lord viscount Melville, in a committee of the whole house, and requiring accommodation to be provided for them.

Lord *Grenville* said, it was perfectly clear that accommodation for the whole house of commons could not be provided in that house; the only mode therefore to be adopted in consequence of the message from the commons was to address his majesty, praying him to provide a place for the trial of lord Melville. There were other points also relative to the trial, to which he wished to call their lordships' attention. It was of the utmost importance that, in the progress of the trial, all unnecessary delay should be sedulously avoided. It was due to the prosecutors as well as to the noble lord impeached, that justice should be attained as speedily as possible. It was due to the prosecutors that justice should be done without delay, if the defendant were guilty; it was equally due to the defendant that the expences of his defence should not, in case of an acquittal, amount to or exceed any fine which could be imposed upon him, if he were guilty. Those complaints, so justly founded, which were made against the delay attendant upon the trial of Mr. Hastings, ought, in this case, to be carefully avoided. Impressed with these considerations, he intended to move, when his majesty's answer to the address should be received, to refer to the committee already appointed to search for precedents, to consider of the best means of proceeding in the trial without delay. There were, however, two or three suggestions which he would just mention to their lordships; the first was, that the trial, when commenced, ought to be proceeded in from day to day until it was finished. If this mode of conduct were adopted, he was convinced it would go a great way towards attaining the ends of justice as speedily as possible, whilst, at the same time, the trial would, in that case, be in a greater degree assimilated to a trial in a court of law. Another circumstance to be attended to was, the hour of assembling, which, he thought, when fixed, ought each day to be rigidly adhered to, and no other business whatever to be previously entered upon. It would also be a great saving of time if some mode were adopted, or if some understanding took place, with respect to collecting the opinions of their lordships upon any disputed point of evidence, without their being under the necessity of retiring upon every such occasion to their chamber.—These suggestions he threw out for their lordships' consideration; but whatever might be the mode adopted, he trusted the great object would be to proceed through the trial without any other delay than was absolutely necessary. He concluded by moving for an address to his majesty, praying that his majesty would be graciously pleased to give directions to prepare a place in Westminster-hall for the trial of lord viscount Melville.

Earl *Stanhope* stated, that he was one of those noble lords who attended during the long trial of Mr. Hastings, during which he could not avoid perceiving that there was often a lamentable waste of their lordships' time. He trusted that the delays which had then occurred would serve as warnings to their lordships on the present occasion. He would venture to suggest one regulation, from which he thought much benefit would be derived: upon the trial of Mr. Hastings, it was customary for the house, whenever any objections upon points of evidence arose, to immediately adjourn for the day to the parliament chamber. Now he thought it very practicable and reconcileable to the strictest forms of proceeding, that their lordships should receive the objection, and proceed (if the progress of the cause did not essentially depend upon it), to determine the point next day, or at some convenient opportunity, without impeding the course of the proceedings. The frequent adjournments at that time were felt to be a very great inconvenience. It was remarked, by a witty member of that house during the impeachment, that it was the only trial in which the judges walked whilst the trial stood still.—The motion was agreed to.

HOUSE OF COMMONS.

Thursday, March 27.

[MINUTES.] Mr. Irving, from the office of the inspector-general of Exports and Imports, brought up an account of Imports and Exports from Tortola.—Mr. Johnson, from the office of the chief sec. in Ireland, brought up an account of the woollen yarn imported into that kingdom for a certain period.—Mr. Hase, from the bank, brought up an account of the amount of Exchequer bills issued under the act for renewing the Bank Charter, and an account of those that were still unprovided for.—Mr. Roberts, from the office of the Paymaster-General of his majesty's forces, brought up an account of the sums drawn from the exchequer for the service of the year 1805, and of the balances remaining in the hands of the Paymaster on the 5th of Jan. 1806.—Mr. Vansittart brought in a bill for farther continuing an act for encouraging the Fisheries, &c. Also a bill to enable the commissioners of the treasury in Ireland, to issue Treasury bills, on the credit of the aids of the year.—Mr. Huskisson moved for an account of the amount of the arrears, as far as they can be collected, on the Property Tax, for the years ending the 5th of April 1804, and the 5th of April 1805, respectively.—Mr. Fellowes moved for a committee to examine and consider the returns respecting the Non-resident Clergy, presented to the house on the 17th inst., and to report thereon.—Mr. Whitbread reported, that he had taken to the lords their message of last night, requesting them to provide accommodations for that house, in Westminster-hall, at the trial of lord viscount Melville.—Mr. Giles observed that the accounts laid before the house, of the expences of the commissioners for regulating the civil affairs of the Navy, were defective. He therefore moved, "that there be laid before the house, an account particularly specifying the several items composing the sum of 10,000*l.* for the year 1805, and the sum of 10,000*l.* for the year 1806, stated to the lords of the Admiralty by the commissioners for revising the Civil Concerns of the Navy, as the amount of the expences attending the business of their commission; together with an account of all charges or expences hitherto paid, incurred, or allowed by the said commissioners."

[MILITARY ESTABLISHMENTS.] Mr. *Yorke*, pursuant to notice, rose for the purpose of moving for certain documents relative to the operation of the bill called the Levy en Masse bill, to which he understood none of his majesty's ministers intended to object; and when he stated his purpose, he trusted that the house would be of opinion it would be both desirable and necessary, that those documents should be before them preparatory to bringing forward the plan of national defence understood to be now in the contemplation of his majesty's ministers, and which it was to be hoped would be brought forward at some period or other, in the fullness of time. By this bill, which had passed in the year 1803, it was intended, as one of the modes of defence against the menaced invasion, to call out so much of the population of the country as were capable of bearing arms; who were to be divided into three classes, and, first, to be enrolled; secondly, trained to arms, during every month of October; and, thirdly, rendered useful for any military purpose to which they might be respectively judged fitting. With respect to the dangers of invasion, he was persuaded that, if our navy continued those gallant and victorious exertions, the many eminent instances of which had been displayed of late, there was not much chance of an attack of that nature. Upon the former occasion, though the government had made some progress in availing itself of the powers by this bill vested, yet as it was disposed to prefer a voluntary to a compulsory service on the part of the people, and as so great a number of men pressed voluntarily forward, beyond all calculation of expectancy, the government, therefore, preferred the services of the volunteers to a forcible levy en masse; not, however, totally abandoning the alternative of the bill, should it be necessary to carry its operation into effect. He had in his hand, a copy of the returns made from every quarter of the country, in the first year, of the number of men in each district, properly classed; and what he now wished to move for was, the returns of the years 1804 and 1805. He hoped his majesty's ministers had those documents before them, as they certainly would be important for the consideration of the house in discussing the plan of defence, whatever it was, now in contemplation, and for the explanation of which the public were extremely anxious, and particularly the volunteers, who were very desirous to be informed as to what was intended towards them. For it was extremely important, if the services of the volunteers were to be relinquished under the new arrangement, that not a single firelock or sabre should be taken from their hands until the country was assured of a more adequate establishment. He concluded by moving for the returns of men enrolled under the levy en masse act, in every district throughout Great Britain, in the last and preceding year.

Mr. Secretary *Fox* said, that so far was he from being averse to the production of the documents now moved for by the hon. gent. that he should support his motion. The subject was so very new to his own experience, that he knew very little indeed of the present state of the matter. However, as the bill had been passed now three years, and his majesty's present ministers had been so short a time in office, if any remissness or delay was chargeable in procuring those returns for the last two years, their share of the blame certainly was not the largest. He was pretty confident that the subject of the right hon. gent.'s motion would form a very principal feature in the plan of defence now in the contemplation of his right hon. friend, not now in his place, (Mr. Windham), who was certainly as anxious to bring his plan forward, and felt as much regret for the unavoidable delay that had occurred, as any other member of that house. As to the objects of his right hon. friend's plan, he should think it premature to say more at present; but he could assure the house, that no delay had occurred that was at all avoidable, and he hoped that in a very few days his right hon. friend would be able to bring his plan forward.

Mr. *Sturges Bourne* hoped the right hon. gent. would not bring forward his plan without timely notice. Indeed, as it had not come forward sooner, and so considerable a number of gentlemen must be absent during the assizes, who would wish to be present at the discussion of such a measure, he thought it would be desirable to postpone it till after the recess.

Mr. *Fox* expressed his hope, that his right hon. friend would be able, in his place to-morrow, to give notice of the day on which he should be ready to bring his plan forward, and if not then, on Saturday, if the house should be disposed to sit on that day. But with respect to the suggestion of postponing the proposition of the plan until after the recess, he did not think that could be necessary, as it would be desirable to make some progress with the least possible delay and to bring forward any bills on the subject that might be thought necessary.—The motion was then put and carried.

[WATERFORD WRIT.] Mr Secretary *Fox*, pursuant to his notice on a former day, moved, that the deputy clerk of the crown be ordered forthwith to attend at the bar of the house. Upon his appearance, Mr. Fox moved, that he be asked whether any return had been made to him by the returning officers for the election at Waterford, in consequence of the writ last issued for the election of a representative for that city? The question being answered in the negative,

Mr. *Fox* moved, that the sheriffs of Waterford do attend at the bar of the house on Monday fortnight.

Mr. *Lee*, with great deference to the right hon. gent., begged leave to suggest, that although delay had occurred in the necessary return, still, on enquiry, it might turn out that no blame justly attached any where, and that the delay might be owing to some cause wholly different from either neglect or intention on the part of the sheriffs. He begged leave to observe therefore, that as a previous enquiry had been directed to the clerk of the hanaper here, it might also be expedient to direct a similar enquiry to the clerk of the crown and hanaper in Ireland, to ascertain whether any return had been made to his office by the sheriffs of Waterford, before those gentlemen were put under the necessity of performing a journey of six hundred miles, upon a business on which it might turn out they were not culpable.

Mr. *Fox* most readily acquiesced in the suggestion of the hon. gent.; withdrew his motion, and substituted another, "that the clerk of the Crown and Hanaper in Ireland, be directed to communicate forthwith, whether any return had been made to him, in answer to the writ to him directed for the election of a member for Waterford, and at what time such return was made?" The right hon. gent. at the same time, intimated, that if it should appear, that any great or extraordinary delay had occurred before the making of such return, he should hold the sheriffs of Waterford answerable.

HOUSE OF LORDS.

Friday, March 28.

[MINUTES.] The Ten Million and a Half and One Million and a Half Exchequer Bills' bills, the Spirits Excise Duties bill, and the Felons' Transportation bill, were read a third time and passed, and a message sent to the commons, to acquaint them therewith.—Mr. Hawthorne brought up the Expiring Laws bill, the Cape of Good Hope Trade Regulation bill, which were severally read a first time.—Lord Grenville presented a message from the king, purporting that on account of the eminent services performed by vice-admiral sir John T. Duckworth, bart. his majesty is desirous of granting to him a pension of one thousand pounds per annum, for the term of his natural life, and trusts the house will concur in any measure necessary to carry such his majesty's intention into execution. On the motion of lord Grenville, his majesty's message was ordered to be taken into consideration on Monday, to which day the house adjourned.

HOUSE OF COMMONS.

Friday, March 28.

[MINUTES.] The Sheriffs of London presented a petition from the Lord Mayor, Aldermen, and Common Council, against the Coal Admeasurement bill, as touching on their right of Metage.—Mr. Briggs, from the Commissioners of Naval Revision, presented an Account of the intended application of 20,000*l.* granted this year, under the head of that commission.—A person from the Tax Office, presented an Account of the Net Assessments of the Duty on Property, for the year ending the 5th of April 1804; and several other Accounts on the same subject, which were referred to the Committee of Ways and Means.—Mr. Vansittart moved that there be laid before the House an Account of the quantity of British Plantation Sugar imported and exported for three years, ending the 5th of January, 1806; an Account of the produce of the War Duties on Goods and Merchandize, during the same period; an Account of the Amount of Duties on Tobacco for six years ending January the 5th, 1806; an Account of the quantity of Foreign Iron imported for the last six years, and the quantity of British unmanufactured Iron exported in the same period; an Account of the net produce of the Duties on Wine for the last three years; an Account of the quantity of Tea above 2*s.* 6*d.* a pound sold at the East-India Company's sale within the last six years, distinguishing each year. Also an Account of the net produce of the Duties on Auctions for the last three years. The several accounts were ordered, and the Inspector General of Exports and Imports presented them at the bar, when they were referred to the Committee of Ways and Means.—The Irish Treasury-bills bill and the British Fishery bill were read a second time, and ordered to be committed to-morrow.—Lord Henry Petty presented at the bar a message from his majesty, which was brought up, and read from the chair as follows:—" G. R. His majesty " being desirous of conferring a signal mark " of his favour and approbation on vice-ad- " miral sir John Duckworth, in considera- " tion of the service rendered by him, and " the skill and gallantry displayed by him " in an engagement with an enemy's fleet " on the 5th of February last, wherein the " whole of the enemy's force was taken or " destroyed, recommends to his faithful " commons to take measures for securing " to the said sir John Duckworth an an- " nuity of 1000*l.* for the term of his natu- " ral life." On the motion of lord H. Petty, it was ordered that his majesty's most gracious message be taken into consideration on Monday.—Lord H. Petty gave notice that, immediately after the holidays, he should submit propositions to the house for making a national provision for the family of the late lord Nelson.

[BUDGET.] On the motion of lord H. Petty, the house went into a Committee of Ways and Means, to which the several public accounts presented this day were referred.

Lord *Henry Petty* rose, he said, to state to the house the Supplies which it would be proper to vote for the current year, and the ways and means to meet those supplies. The duty imposed on him he felt to be extremely arduous, and one which he was convinced he should be wholly unfit to execute, unless he had the indulgence of the house. In submitting the statement he had to lay before the house, he proposed to go into no length of observation or speculation, not only from an unwillingness to detain the house, but because there could be very little comparative importance attached to his conclusions, compared with the facts which he should open to the committee. But the same motive that made him sparing of observations of his own, induced him to wish as far as the house would extend its indulgence, to be as ample with respect to the facts as possible: and, on this occasion, departing from the common course, he should, before he entered into the question of the supplies necessary for the current service of the year, endeavour to satisfy the house as to the state of the country in point of finance, past and present, particularly the state of finance in which the country had been found this year; requesting that gentlemen would carry their knowledge upon that subject in their minds throughout the whole of his statement, as they would find it necessary to their perfectly understanding what it would be proper to adopt for the service of the current year. The principal, and he might say the only great feature in the state of the finance of the country, was the amount of its burthen or annual debt, funded and unfunded; and the next consideration was the means the country was in possession of to meet that debt, with a view to discharging the interest, and also that which he trusted the house would never lose sight of, namely, its ultimate and final extinction. He should first state the amount of the debt on the 1st of February 1805, then the augmentation of that debt in 1806.—The amount of the funded debt on the 1st of Feb. 1805, was 495,127,000*l.* the annual charge upon which was 18,000,000*l.* The amount of debt redeemed up to that day was 111,797,000*l.* the annual charge upon which was 6,834,000*l.* making together of debt, redeemed and unredeemed, 603.924,000*l.* and an annual charge of 24,904,000*l.* In the course of the year 1805, there was made an addition of 34,400,000*l.* creating an annual charge of 1,392,000*l.* besides 2,420,000*l.* for the discharge of the loyalty loan, at an annual charge of 53,000*l.* making a total for that year of debt 36,827,000*l.* and of annual charge 1,445,000*l.* Against this was to be put a diminution of 531,000*l.* of debt, and 16,000*l.* of annual charge by the redemption of the land-tax, and by the commissioners for the reduction of the national debt a diminution of debt of 12,148,000*l.*; making a total diminution of debt to the amount of 12,679,000*l.* and a diminution of annual charge to the amount of 386,000*l.* This presented, at the commencement of the present year, an amount of funded debt of 517,280,000*l.* The amount of debt redeemed was 123,476,000*l.*—With respect to the Unfunded Debt, he would follow the same course, comparing the state of it in 1805 and 1806. On the 5th Jan. 1805, there were outstanding exchequer bills to the amount of 25,253,500*l.* of which were provided for 12,388,400*l.*; leaving unprovided for 12,865,100*l.*; navy debt 5,100,000*l.*; treasury bills 692,599*l.*; barracks 1,567,000*l.* Ordnance expences and arrears of civil list, making a total of 20,305,686*l.* On the 5th Jan. 1806, the outstanding exchequer bills were 27,180,400*l.* Of which, in anticipation of aids 12,180,400*l.* leaving unprovided for 15,000,000*l.*; navy debt 9,570,000*l.*; treasury bills 530,751*l.*; with charges for barracks, army debt, ordnance charges, and civil-list arrears, making a total of 23,168,747*l.* Thus there was an addition to the unfunded debt of 2,863,161*l.*—He came now to the Ways and Means to meet this amount of debt, which he had thought it necessary to state thus fully and fairly, in order that the public might be completely aware of its situation, and that it might be prepared to make the necessary exertions. The first of these was the Consolidated Fund, consisting of permanent taxes to the amount of 33,035,501*l.* from which was to be deducted for arrears of assessed taxes, 110,000*l.* leaving a balance of 32,935,501*l.* The charges on the consolidated fund were the charges of the public debt, amounting to 23,102,733*l.*; for paying off the five per cents. 4,757,518*l.* making with civil list arrears of 958,000*l.* pensions 284,866*l.* miscellaneous services 2,170,000*l.* interest of the imperial loan 497,473*l.* and other lesser items, a total of 30,188,000*l.*; from which after deducting 430,000*l.* for the purchase of the legal quays, there remained 29,758,000*l.* chargeable on the consolidated fund: so that on the consolidated fund there was an excess of charge of 3,177,500*l.* beyond the preceding year. This state of the consolidated fund he wished gentlemen to bear in mind, as it was to the consolidated fund that we were to look for the payment of the interest of the public debt.—But he wished them also to attend particularly to the state of the Sinking Fund, as it was to that we were to look for the extinction of the debt. In the year ending Feb. 1, 1803, the interest redeemed by means of this fund was 5,835,000*l.*; the unredeemed debt was at that period 480,572,000*l.* Thus the proportion of the sinking fund to the unredeemed debt was as 1 to 82. In the year ending Feb. 1, 1806, there had been redeemed 7,566,539*l.*; the unredeemed debt was then 517,280,500*l.* making the proportion of the redeemed to the unredeemed as 1 to 68. After this it was unnecessary for him to enter into any eulogium on the Sinking Fund, nor to detain the house with any panegyric on its former effects, or the hopes that might be entertained of its future operations. The advantage of that fund was very sensibly felt in the prices of stock, and in contracting for loans, which it enabled the public to obtain on better terms. Therefore independent of considerations of good faith which would induce the house to hold and cling to a system once adopted, it was pledged to support it, having had positive and tried experience of its utility.—His lordship then went into an enumeration of the state of finance in Great Britain in 1805, in order, as he observed, to make the house more particularly acquainted with the precise situation of the country. Total of the navy expenditure, 14,377,513*l.* Total of the army, 17,183,696*l.* Ordnance, 4,490,853*l.* with several other charges, amounting in the whole to 43,690,418*l.*—Having stated the debt, the means, and the expenditure of the year, he hoped the house had all the necessary previous information with regard to the true state of the country. I shall now, said the noble lord, recapitulate the supplies of the present year, either already voted or to be proposed.

SUPPLY.

The first head then, is the

Navy, exclusive of Sea Service - £.		15,281,000
Army - - - - - - - - - - -		18,500,000
Here, though I am not able to state the amount of the sums that will be required on this head, owing to the arrangements not being yet completed; I am happy to think, that there is every reason to believe, that if approved by the house they will not exceed the sum I have stated, or the amount of the Estimates on the scale voted for a limited period; or if they should, a saving may be expected on some other head.		
Ordnance—England, including Sea Service	£. 3,911,000	
Ireland - - - - - -	807,000	4,718,000
Miscellaneous—England	1,500,000	
Ireland -	670,000	2,170,000
On this head of expence, however, which must appear considerable, it is right to state, that there are included several important grants in contemplation—such as the provision for the family of lord Nelson, and for the remuneration of our Seamen; objects, which I am sure will be a sufficient justification of the expence they may occasion.		
Arrears of Subsidies - - - - -		1,000,000
Vote of Credit—England	1,400,000	
Ireland	600,000	2,000,000
Making the Joint Supply		43,669,000
Add, however, separate charges of England.		
To the East-India Company - - - - -	1,000,000	
This claim is of several yrs. standing. A Commission had been appointed to investigate the demand of the Company, in 1803; a million was voted, and also last year, and in Autumn, it was understood by the Company, that another million would this year be proposed to be voted.		
There is also a deficiency of Malt, 1804 - -	340,000	
Ditto, Ways and Means of 1805 - - - -	1,707,000	
Interest on Exchequer Bills - - - - -	1,000,000	
It may be proper to say a few words in explanation of that article. It arises from the method pursued of issuing Exchequer Bills bearing a certain interest. It has not hitherto been usual to provide the interest at the time the bills are voted, but it comes into the Supply of the following year. It has been thought advisable, however, to bring that expence within the year, and provide for it accordingly.		
There is called for, also, a sum of 700,000*l.* to pay off 5 per Cents. of 1797, and in October next, 500,000*l.* more will be wanted - - - - -	1,200,000	5,247,000
Total Supplies,		48,916,000
Deduct for Ireland 2-17ths of 43,669,000*l.* - -	5,137,528	
Also 2-17ths for Civil List and other Charges	160,000	5,297,528
Remains, on account of England -		43,618,472

WAYS AND MEANS.

The noble lord said he would next proceed to state the Ways and Means. In the first place there were the Malt and Personal Estate Duties which he took at 2,750,000*l.*; then the Grants of the Proceeds of the Ships captured prior to the war. His majesty's intention on this subject had been communicated to the house. Though the sum of 1,000,000*l.* thus obtained, belonged exclusively to England, yet it was thought proper to allow two-seventeenths to Ireland. The lottery he should take at 380,000*l.*; the surplus of the Consolidated Fund at 3,500,000*l.* The War Taxes had been taken last year at 14,500,000*l.* but for reasons he should explain, he should take them at 18,000,000*l.* The Ways and Means would stand thus:

Malt and personal Estate Duties -		£.2,750,000
Grants from proceeds of Ships captured prior to the War - - - -		1,000,000
Lottery - - - - - - - - - -		380,000
Surplus Consolidated Fund to 5th April, 1807 - - - - - - -		3,500,000
War Taxes - - - -	19,500,000	
Deduct as likely to be outstanding at 5th Apr., 1807	1,500,000—	18,000,000
Loan - - - - - - - - - -		18,000,000
		43,630,000

The loan he had made this morning was for 20,000,000*l.* of which 18,000,000*l.* was for England, and 2,000,000*l.* for Ireland. The terms of it he believed had given general satisfaction; of this loan no less a sum than 5,800,000*l.* was to supply arrears and deficiencies of last year, so that the loan for the current year was only 12,200,000*l.* Part of those arrears consisted of subsidies, with respect to which it would be difficult to submit any estimate, from the circumstances under which the treaties were made, as it was not ascertained what sums they would be entitled to receive.

For the East-India Company - - -	£.1,000,000
Deficiency of the Malt Duty - - -	340,000
Deficiency of Ways and Means -	1,707,000
Interest of Exchequer Bills - - -	1,000,000
To pay off arrears of 5 per Cents. for 1796 - - - - - - - - -	1,200,000
Making in the whole - - - - - -	5,247,000

Having stated the Ways and Means, he should go somewhat more into explanation. First, as to the war taxes, he held documents which would enable him to state the rise and progress of the war taxes. The causes of that rise were such as justified the house in carrying them as far as the patriotism of the public would render them productive. In 1798, the right hon. gent. who had preceded him in office, had thought it necessary to have recourse to the principle of raising a considerable part of the supplies within the year. It was needless to go through the various modes on which this principle applied, or to recall the efforts made under the name of the Assessed Taxes, Income Tax, or, more recently, the Property Tax. But, to enable the house to judge of the general expediency of continuing those efforts, he should state what had been the effect of the system of the war taxes last war, compared with the present war. On the 5th of February, 1793, the unredeemed debt was 226,989,000*l.* On the 5th of February, 1803, 480,572,000*l.* which was an increase in the ten years of 253,583,000*l.* making an average increase in each year of 25,358,333*l.* This fact would enable the house to judge of the additional security and strength the country had derived from having had recourse to such a system. Feeling the propriety of it, he should proceed to state the mode in which he meant to apply it; and first, as to the Property Tax. It was not for him to give his opinion as to the policy of such a tax being originally adopted, but he had a right to say, that compared with those which had preceded it, such as the assessed taxes, it was the most equal and equitable tax; but there was this additional reason in its favour, that it was an established tax, and, considering all the experience the house had had of the difficulty of enforcing a system of direct taxation, and the complex machinery that must be set on foot to give it effect, he thought no apology would be required for making use of the

PROPERTY TAX.

This, said his lordship, I propose to carry at once to 10 per cent. It may seem paradoxical to say, that this mode of increase is preferable to one more gradual, and less alarming to the public. Such, however, is my opinion. A gradual rise would have led to the supposition that this was a fund to be drawn upon to an indefinite extent, but being raised at once to its natural limit, there will be less suspicion of future augmentation. Besides the addition to the rate, I am persuaded that considerable addition may be made to the produce by judicious regulation. That there have been fraud and evasion in the payment, cannot be doubted, and the mode of exemption has furnished the greatest facility to the attempt. But notwithstanding the diminution of the produce through that cause, I should have been sorry to have deprived of exemption those who have a fair claim to it. But, still exemption and relief will be extended to those who most stand in need of it, while the means of evasion will be taken away. The classes most worthy of being considered, with a view to relief, are small tradesmen and small annuitants, in whose favour some provision will be made. It is proposed then that 10 per cent. shall be paid on all property above 50*l.* a year, but on production of the will or deed, constituting the annuity and demonstrating the claim to exemption, the tax office will be authorised to make repayment. The farther regulation of that part of the plan will come afterwards to be considered, but the object is to reserve the benefit to those classes I have mentioned. The small tradesmen undoubtedly are least the objects of taxation, because they have not the means of adding property to labour, which those possessing property can; and the principle will be to reach, as far as possible, all those who have property. There will be some regulation respecting hospitals and charitable institutions. As one mode of rendering the tax more productive, I am happy to state, that the governors and directors of the bank have agreed to receive the duty on the dividends at the bank. Regulations will be adopted to facilitate the assessment, and to ease the labours of the commissioners. For this purpose it is proposed to empower the commissioners to make an assessment of houses and land for two years, which will save them some trouble, and it is probable that such a mode will be equally satisfactory to all. The sum which this addition will produce is estimated at 5 millions.

CUSTOMS AND EXCISE.

Another million is expected from the Customs and Excise; and this source will be the more agreeable, seeing that it is derived chiefly from the enjoyments of the higher classes. It is proposed, with certain modifications and exceptions, to raise the war duties of the Customs from one fourth to one third. Tobacco will be taxed under the Excise. Certain woods coming under this branch are to be exempted. An addition will be made to the duty on sugar of 3 shillings additional per cwt. As this tax has continued progressively to increase, and from its bulk and perishable nature cannot easily be smuggled, there is little doubt that with the addition it will be productive. The Customs then I take at 700,000*l.* Under the Excise an additional duty on tobacco, and in the present circumstances, and distribution of our navy, smuggling being less practicable, it will continue productive. This will be 300,000*l.*

Total—Customs and Excise - -	£.1,000,000
Property Tax - - - - -	5,000,000
	6,000,000

THE LOAN.

Next follows the Loan contracted for this day, which, I am happy to say, is not only upon terms advantageous to the public, but from what I have heard, is also beneficial to the contractors. The terms are,

For every 100*l.* advanced, 100 Three per cent. consols at $60\frac{3}{8}$ - - -	£.60	7	6
66 Three per cents. Reduced $59\frac{3}{8}$ -	39	3	9
	99	11	3
Amount of Discount on prompt payment - - - - - - - - - -	3	10	0
	103	1	3
So that the Interest paid by the public is under 5 per cent. being £.4 19 7			

To cover the interest, one per cent. sinking fund, charges, &c. on this loan, a sum of 1,136,000*l.* is to be provided; which I propose to do in the following manner:—

I propose to render the Wine Duty already existing, permanent and applicable towards the interest of the Loan, which will give - - - - - - - -	£.500,000
A Duty on Pig Iron of 40*s.* per ton. This tax was formerly in contemplation, and as the object is now greatly extended in use, and as 200,000 tons was the quantity then manufactured, I apprehend that the quantity may be estimated at 250,000 tons, which at 40*s.* will be - - - - - - - -	500,000
Upon this head there will be countervailing Duties on Foreign Iron, and a fair drawback will be allowed. This tax will be under the Excise.	
The third object is, a Regulation of the Duties on Tea. Formerly it was intended, for the relief of the lower classes, that no tea supposed to be used by them should fall under the tax. But the fact is, either that the lower classes, preferring a better article, do not buy the inferior kind, or the venders mix it, so defrauding both government and their customers, the inferior tea is not sold. The Equalization of the Duties on Tea is expected to produce - - - - - - -	70,000
Next I propose, that, as there is a considerable Tax on Auctions, there should be a Tax on Appraisements; both these modes being adopted to give the highest value that can be procured to objects sold. I estimate this tax at - - - - - - - - -	66,000
One-half the Duty on Auctions.	
Total - -	1,136,000

CIVIL LIST.

Before I sit down, I am desirous to make a few observations respecting the expences of the Civil List, amounting, on the 5th of January, 1806, to 158,000*l.* It will not be necessary for me now to detail to the house the circumstances which have occasioned this debt; they will be satisfactorily and fully explained whenever the subject comes properly under consideration. As far as I have been able to judge of the items of increased expence, many of them appear to be unavoidable. My advice is, that they should be discharged out of the proceeds of the ships captured previous to the war, of which fund there is yet a considerable surplus, even after the deduction of the million which has been included in the Ways and Means.—

RECAPITULATION.

In order to bring the whole of the subject under one view, I will trespass so far upon the indulgence of the house, as to recapitulate the several details both of the Supplies and the Ways and Means; and first I will state the supplies, consisting of the following items:—

SUPPLIES.

NAVY, exclusive of the Ordnance Sea Service				£. 15,281,000
ARMY	England Ireland			18,500,000
ORDNANCE	England, includg Ordn. Sea Service		3,911,000	
	Ireland		807,000	
				4,718,000
MISCELLANEOUS	England		1,500,000	
	Ireland		670,000	
				2,170,000
Arrears of Subsidies				1,000,000
				41,669,000
Vote of Credit	England		1,400,000	
	Ireland		600,000	
				2,000,000
Joint Charge, England and Ireland				43,669,000
Add England's separate Charges:				
East-India Company			1,000,000	
Deficiency Malt Duty, 1804			340,000	
Ditto Ways and Means, 1805			1,707,000	
Interest on Exchequer bills			1,000,000	
To pay off 5*l.* per Cent. 1797, at 5th April, 1806		700,000		
Ditto 10th Oct.		500,000		
			1,200,000	
				5,247,000
Total Supplies				48,916,000
Deduct, on account of Ireland as below,				5,297,528
On account of England				43,618,472
Deduct, on account of Ireland, 2-17ths of the above Sum of 43,669,000*l.*			5,137,528	
Deduct also 2-17ths, for Civil List and other Charges			160,000	
			5,297,528	

WAYS AND MEANS.

Malt and Personal Estate Duties		2,750,000
Grants from Proceeds of Ships captured prior to the War		1,000,000
Lottery		380,000
Surplus of Consolidated Fund to 5th April, 1807		3,500,000
War Taxes	19,500,000	
Deduct, as likely to be outstanding at 5th April, 1807	1,500,000	
		18,000,000
Loan		18,000,000
		£. 43,630,000

After this recapitulation, said the noble lord, I have to express my sincere wish that I could follow up this statement by adding, that the burthens which I have now felt it my duty to propose are light; but, as I do not think so, I will not so represent them. At the same time, I should think ill of myself by thinking meanly of my country, if I could entertain a doubt that they will be supported with that constancy and fortitude which are the most distinguished features in the character of any country, but which I may venture to say are prominent in this. I feel myself justified in stating, that if the people of this country would have borne these burthens with cheerfulness formerly, they have now additional motives to do so—now that we are placed in a crisis of our affairs—now that by the failure of our hopes from the co-operation of allies on the Continent, we are left to our own resources and to our own exertions. In such a moment, the people of this country will call forth all their energy, and shew themselves equal to any difficulties with which they may have to contend. As they feel too that they will be called upon to bear those burthens only so long as the war is necessary, so they must know that if it is necessary the contest involves in it every thing they hold dear as individuals and as a nation. They will bear these burthens the more cheerfully too, feeling a confidence that what they contribute will be strictly applied and economically administered to the purposes for which it is given. They know that if any set of men ever were pledged to economical government, it is the present ministers, and if they swerve from that pledge, they must retire from office, carrying with them their own condemnation and disgrace. The public, however, feel this confidence, both from the character of the present ministers and from the benefits lately derived from enquiry, particularly from the labours of the naval commissioners. These things infuse confidence into the people, and they will support ministers in the economy they wish to practise. In the office I have the honour to fill, I have already experienced those advantages, and from the commission of military enquiry, emulating the conduct of the other commission, I trust that farther benefits will be obtained. Confident I am that ministers will be desirous to follow up the plans and improvements which these enquiries may suggest. In the mean time I am happy to say that steps are taking to recover the sums lost to the public by malversations in the West Indies, and measures are adopted to put a stop to those scenes of fraud, perjury, and peculation, which have too long prevailed. Ministers are doing, and will do their duty with that firmness, by which alone the evils meant to be corrected can be met and subdued; and seeing this, the people will be still farther disposed to bear their burthens with cheerfulness, and to exert that fortitude and courage they have so often displayed. If there be any thing in the statements I have made, in which I feel pride, it is that there is no concealment in them. The notoriety and publicity of our public accounts and financial transactions is one great cause of the public credit. That publicity it shall be my endeavour, as far as my humble efforts can go, to promote. It is recorded of an old Roman moralist, that he wished to build his house in such a manner that it should be open to the view of all, and that his conduct might be liable to the inspection and censure of his fellow-citizens. The principle of this wish I am desirous to see acted upon in our system of finance; and to extend the familiar acquaintance of the public with subjects of that sort, shall be one of the points I shall keep most steadily in view, convinced that this publicity is the circumstance most calculated to remedy that constitutional evil which has been thought most incident to the increase of our public burthens. I will no longer trespass upon the indulgence of the committee, but shall conclude with moving the first resolution.

Mr. *Francis*, after some compliments to the noble lord (Henry Petty), and acknowledgements of the industry and ability he had shewn, and the perspicuity with which he had stated a detail of topics so intricate and so extensive, for all which he gave him the highest credit, proceeded as follows:—Mr. Speaker; there are two material passages, in the excellent speech of my noble friend, on which I cannot refrain from making a few very short remarks; on the first with great satisfaction;—on the second, I am sorry to say, with equal regret. I hear with pleasure, and I congratulate the house on the event, that my noble friend has found means to induce the governors and directors of the Bank of England to receive the duty on the dividends at the Bank. Whether that is to be done by deducting the amount in the first instance, or by what other process, I think he did not state. In whatever manner the measure may be executed, I am sure he has a full right to take personal credit for it, and to state that it will render the tax more productive, as I have no doubt it will do to a considerable amount. A regulation, of the same kind, was attempted a few years ago without success, and I was present when the chancellor of the exchequer informed the house that the directors of the bank, after long consideration, and some trial too, if I am not mistaken, had declared that the plan could not be executed; that it would derange their accounts and disorder their books, and that, in short, the thing, though desirable, was impracticable. The merit of overcoming these difficulties is due to the noble lord, and the value of the improvement enhanced by its being, to me at least, quite unexpected.—The other subject, to which I must advert, does not furnish matter for similar satisfaction. I mean the sudden and excessive increase of the Income Tax, by raising it at once to 10 per cent. I am afraid he will find great difficulties in his endeavours to reconcile the country to the amount of this enormous addition to their present burthens. I fear it will occasion much more general uneasiness, if not universal distress and discontent, than he is at present aware of. But it will be matter of surprize to me indeed, if the argument he resorts to, in defence of this rapid course of taxation, should satisfy the judgement of any man in the kingdom, even among those, who may be best disposed to submit to the amount. My noble friend justly observes, that "it "may seem paradoxical to say, that this "mode of increase is preferable to one "more gradual and less alarming to the "public." Now I do not deny that an extraordinary proposition may be true, though it contradicts a received opinion. But then the evidence or the argument must be too powerful for the opinion. Instead of which, it seems to me that the proof in this case is full as great a paradox as the proposition. The grievance or the burthen, as it is now felt, is a tax of five or six per cent., and the best way to cure the disorder or to silence the complaint, is to double the demand. He admits that a gradual increase would be less alarming to the public, and for that reason he rejects it; as if the human mind were so constituted that, the more it is surprised, the less it is afflicted. This doctrine is new; but, I confess, that the novelty does not, to my apprehension, at all lessen the grievance. My noble friend affirms, that "a "gradual rise would have led to the supposition that this was a fund to be drawn "upon to an indefinite extent; but, being "raised at once to its natural limit, there "will be less suspicion of future augment-"ation." How so? Why is ten per cent. a more natural limit than eleven; or how does one violent act furnish an internal security against others of the same quality? All we know is that the thing done is a precedent, and that, in cases of this nature, the precedent most likely to be followed is that, which is most productive. Whether the increase of this tax proceeds *gradatim* or *per saltum*, whether it arrives at its natural limit by slow steps or hasty strides, I see no certainty that 10 per cent. will be the final extent of the demand; or that, in a few years, when the rapid principle cannot easily or safely be resorted to again, we shall not be invited to revert to the quiet and gentle operation of a gradual increase. As to any security, provided by either of the two principles, against future augmentation, I confess I see none. I throw out these thoughts, sir, very hastily, in hopes that they will be duly considered by the noble lord, and by other gentlemen more conversant in the subject than I am.

Lord *Henry Petty* thanked the hon. gent. for the partiality he had been pleased to express, and he felt it his duty, in answer to what had fallen from the hon. gent. respecting the conduct of the bank directors, to say, that the directors certainly acknowledged an application made to them by the right hon. gent. whom he had the honour to succeed, to induce them to receive the duties upon the dividends in their hands; which they declined, because in the situation wherein they stood they had objections very natural for them to entertain; but, in answer to the application lately made to them, they candidly stated, that they saw so much evasion and unfairness practised, that they were induced to relinquish their scruples, and to agree to receive the duties payable on the dividends in their hands. With respect to the other point, namely, the increase of the Property Tax to 10 per cent. though he regretted the disapprobation of the hon. member, yet upon the best consideration he had been able to give the principle, he must still think it an eligible one; and had only to repeat his former opinion, that he thought the public would be much better pleased with an increase of the tax, to that natural point beyond which it was not likely to be extended, than by a gradual increase year after year, of which they could reckon upon no definite limitation.

Mr. *Rose* acknowledged the very clear and satisfactory statement brought forward by the noble lord, and said it was not his intention to oppose his taxes; there was but one of them to which he had any special ground of objection: and had the noble lord contented himself with the eulogies he chose to bestow upon himself and his friends, he should not have risen to say a single word; but in answer to what had fallen from the noble lord towards the latter end of his speech, in the censure he had endeavoured to cast upon his majesty's late ministers, for a system of fraud, perjury, and peculation, which he alledged to have existed in the West Indies, unchecked and unpunished by those ministers, as if suffered to continue with their privity and acquiescence, he must beg to be indulged in a short reply. It had happened to himself, when a member of the late administration, to have been the first to detect those frauds and peculations, and he lost not one moment in the speediest endeavours to bring the perpetrators to condign punishment; as could be proved by the evidence on the table of that house. He had brought in a bill for the appointment of special commissioners, who were dispatched to the West Indies, to make strict enquiry into those frauds and abuses, in order to the punishment of the offenders, and to the attainment of restitution for the public. Those commissioners had transmitted home their reports, from time to time, to his majesty's government, who immediately committed them to the law advisers of the crown, in order to the speediest possible institution of such legal proceedings as they should deem most expedient for the objects in view. Why they were not brought to justice, it was not for him to account, as certainly no step was omitted, on the part of the late administration; his hon. and learned friends near him could best answer on that point. The noble lord had also bestowed much panegyric on himself and his colleagues, upon the ground of the publicity they were determined to give with respect to the state of the finances and expenditure of the country, as if the noble lord meant to insinuate that the conduct of his majesty's late ministers had been exactly the reverse, or that the noble lord and his colleagues introduced under this profession, any thing new into the management of the public accounts. Now, was it not his late right hon. friend, now lost, and so justly and universally lamented by the country, that first instituted enquiry into the public accounts, and probed them to the bottom? Was it not under his auspices that those sources of publicity were established, for which the noble lord now took credit to himself and his colleagues? With respect, however, to the frauds which had existed in the West Indies, he was extremely glad to hear from the noble lord, that the exertions of his majesty's late ministers had been followed up to bring the perpetrators to justice, and he seriously wished the endeavour might be successful. As he was up, there were some of the proposed taxes which called for some observation; the merits of those taxes he did not now mean to discuss. The tax on iron, for instance, would affect an important branch of raw materials in the manufactures of the country. Was the noble lord aware, that our exports in the manufactures of iron had, of late years, fallen off nearly one half, while that of steel and the finer species had dwindled almost to nothing? The right hon. gent. made similar objections to the Silk duty. Unless a drawback were allowed, a considerable damp must be cast on the export of two most important manufactures.

Lord *Henry Petty* observed, that if the only part of his speech to which the right hon. gent. objected was that in which he had spoken of the frauds and peculations in the West Indies, and the publicity intended to be observed in the public accounts, conceiving him on those points to have cast a censure upon his majesty's late ministers, he begged leave to disclaim any such design. He had never once named his majesty's late ministers in the course of his speech, nor should he be disposed to speak of a right hon. gent., now no more, otherwise than with respect. When he spoke of the shameful system of fraud, peculation, and perjury, which had existed in the West Indies, he spoke of it only as shameful to the perpetrators. He did not state that his majesty's late ministers had taken no pains to detect or to punish those frauds, but he stated, they were still in continuance, and still uncorrected. With respect to the conduct of a late right hon. gent., nothing that he had said this night, or on any other occasion, could be fairly construed to detract from his merits; on the contrary, he gave him every credit for the measures instituted by him, to detect and prevent fraud, and for the establishment of the sinking fund. The noble lord added, that the only eulogium he had uttered, was the professing his determination to adhere to a strict discharge of his duty, and his conviction, that the public held confidence in the intentions of his majesty's present ministers, which they were determined to justify by their conduct.

Mr. *Rose* referred the noble lord to the act of parliament, to see what had been done to check the abuses complained of.

Lord *Henry Petty* replied, that the object of the act had not been attained.

Mr. *Perceval* observed, that although the noble lord had made no direct charge against his majesty's late ministers, there was in the tenour of his speech a pretty broad insinuation against their conduct; that the public were more ready to bear an increase of burthens on the present occasion than before; and that the fraudulent transactions in the West Indies had continued by something like negligence or connivance: and the noble lord said this in such a way, as he must feel called for some answer. With respect to the West-India subject, he was ready to vouch for the statement made by his right hon. friend. He was extremely glad to hear from the noble lord, that proceedings had been instituted to bring those delinquents to justice; but he apprehended, from the nature of the reports he had seen, it would be extremely difficult so to do. With respect to the other parts of the noble lord's statement, he agreed with the hon. member who spoke second in the debate, that it was clear and satisfactory to the house; but there were some parts of it, on which he did not mean to urge any discussion now, but should barely mention, by way of putting in his claim to investigate them on a future day.

He alluded principally to the manner of proceeding adopted by the noble lord, in moving the whole Ways and Means, before the estimates were before the house, or the supplies for those estimates yet voted; particularly the items of the Army estimates. The noble lord might have made himself, by this time, sufficiently acquainted with the subject, by communicating with a right hon. friend near him (Mr. Windham), to have satisfied the house. The estimates, when they should come forward, he hoped would be satisfactory; but the circumstance was such a one as not to pass without parliamentary notice. On the arrangement proposed in the income-tax, he feared many difficulties would arise, extremely embarrassing and unsatisfactory; but he was glad to find, that, in one respect, it was brought now again to that state in which it was first established when he had the honour of being a member of his majesty's administration. Upon the appraisement tax, he felt that great and unexpected difficulties would arise, judging from the experience he had had of the frauds and evasions practised under the auction tax, which were of the grossest nature, and to an enormous amount. Nothing was more common than for the proprietor of an estate to put it up to auction, in order to find out the highest bidder, which done, he bought in the estate himself, *pro formâ*, and afterwards sold it by private contract to the bidder before mentioned, and thus eluded the whole of the duty.

Lord *H. Petty* repeated the statements he before made of estimates of the supply and Ways and Means, to shew that the latter did not exceed the former in the proportion mentioned by the learned gent. The tax upon appraisements, he said, would be raised by a stamp duty; and, he admitthat the state of the auction duty was worthy of great consideration. The circumstance of first setting up things to sale, then buying them in, and afterwards disposing of them by private contract, he was sensible of being a great source of frauds upon the revenue.

Mr. *Perceval* suggested, as one remedy for this, to deprive the principal of all right to become himself a bidder. He then once more reverted to the impropriety of voting Ways and Means beyond the supply, which, he said, was repugnant to the constitutional principle of not laying unnecessary burthens upon the people. He also suggested, that, as the exchequer bills were, at present, very little productive to the revenue, the tax upon them should be deducted, at the bank, in the same manner as the tax on stocks; which, he thought, was the only way of making every individual pay his just proportion.

Lord *H. Petty*, in reply to the constitutional objection of the learned gent., said he understood the true restraint to be, that the Ways and Means should not be applied by government before the supplies were voted.

Mr. *Rose* contended that they should not even be proposed to the house, till the supplies were known.

Mr. Secretary *Fox* admitted that the Ways and Means ought not to exceed the supply, but contended that the object was to prevent government from raising money by Ways and Means till the house had an opportunity of recognizing the necessity of the supply. The war taxes, as had been stated by the noble lord, were regularly voted for the service of the year. The surplus, if any, might be properly applied to different services; for instance, to the sinking fund. But his noble friend would take care that the Ways and Means should not exceed the supplies to be voted. He admitted, however, that there was considerable inconvenience in bringing forward the Ways and Means before the estimates for the army were regularly before the house, and it was one which ought as much as possible to be avoided. But the same sort of inconvenience was felt last year in the vote with regard to the subsidies, the amount of which depended upon treaties with foreign powers, which at that time were not in great forwardness. But though he admitted the inconvenience, he denied that there was any thing in this proceeding which counteracted any fixed principle. The inconvenience of delaying the bringing forward of the budget till the army estimates could be regularly produced, would, however, have been greater than the one under which they at present laboured, and government had only the choice between the two. Now, with regard to the words of his noble friend respecting the frauds and abuses in the West Indies, he must say that he was taken up in a very hasty manner. He had heard him perfectly, but had no idea that he had brought any charge against the late administration. He had, on the contrary, praised highly the scheme of the sinking fund, in which he cordially joined him. He had heard no charge against the late administration; but he considered it somewhat hard and unfair that his noble friend should be prevented from saying that it was the intention of government to adopt means for putting an end to frauds and perjuries, merely lest he should be understood to bring a charge against the late ministry. The remark was certainly not improper in itself; but how long was it since those abuses had been detected? ten years was it? (no! no! from the other side). How long then? Only five years; very well. On the first view of the thing it might naturally enough be thought that there was no necessity for such a long delay in bringing the offenders to justice, or doing something in the affair. But, however, he did not mean to say that the late government had not made exertions to put an end to the frauds and abuses to which he had adverted. Now as to the tax on Appraisements, if the frauds in the tax on auctions could by this means be prevented, it would be a great object gained. It would be proper that this should be considered, and any assistance that might be given by the hon. and learned gent. on the other side would be thankfully accepted. There were also difficulties as to the claims to the exemptions, and this point might, no doubt, require consideration. With respect to the tax on Property, he concurred with his noble friend, that it was better to raise it at once to the amount at which it was likely to hold during the war, than to advance it gradually. It might be said, and it had been said by his hon. friend near him (Mr. Francis), that there was no security against its being still gradually raised. But then, he certainly thought that the present mode was preferable to advancing it 1 per cent. in one year, and 1½ per cent. in another year, and so on, which would at last lead to a constant gradual advance, which might in the end annihilate all property. This he had stated on a former occasion to be his great objection to such a gradual advance. Gentlemen now, however, might be at rest upon this head. It had been said, that his noble friend had praised himself; those who knew him, would say, that this was not a fault of his. But what had he said? He stated that every means would be adopted to check abuses, not in contradistinction to any thing that had been done by another ministry, but merely as a fact, and the grounds on which he stated this resolution to rest were, the Reports of the commissioners of naval enquiry, and the labours of the Military Commission, which had certainly been appointed by the late administration. These were the reasons which he had given for his expectation of public confidence and support. He had given a noble pledge, and he had no doubt he would adhere to it, which rested upon the truest principle that could possibly be stated, and that was, that no exertion would be spared in attending to, and investigating abuses and their causes, with a view to find out the means of correcting them, and inspiring the public with a well founded confidence that their money would be properly expended; which was the only thing that could induce them to bear with cheerfulness the burthens which it was necessary to impose upon them.

Sir *Vicary Gibbs* adverted to the proceedings relative to the West-India abuses, and confirmed the statement of his hon. and learned friend (Mr. Perceval), that the want of legal evidence was the only cause why the offenders had not been brought to trial.

Sir *William Young* said that he had never objected to a colonial tax, nor would he do it now. He only rose to set the noble lord right as to a fact. He had said that the prices of sugar at present bore him out in the conclusion that this article was a proper subject of taxation. He could say, from his personal knowledge, that the owners did not, since the year 1798, get more than two thirds of the price which they had formerly received. As they had not the home market, he hoped that a proper drawback would be allowed, that they might at least have the advantage of the foreign market.

Mr. *Huskisson* contended that every attention had been paid to the abuses and frauds in the West Indies, from the time when they had been detected. He was sorry that the delinquents had not been brought to condign punishment; but this was owing to the peculiar circumstances of the case, and not to any want of attention on the part of the late government. Many abuses, however, had been pointed out, and, from the efforts that had been made, there were at first a great many which certainly did not now exist. He congratulated the country upon the pledge which the present government had given; a pledge, which, in his opinion, did them great honour, that they would adhere to the system of finance which had been adopted by his honoured friend who was now no more.

This system was to raise the Ways and Means as much as possible, in such a way as to equal the supplies, and keep down as much as possible the loans, which were necessary to be contracted. He was happy in this pledge, because, from some things which they had heard out of doors, and from other circumstances, the friends of that system had felt a considerable degree of uneasiness. He then adverted to the deficiencies of the last year, and contended that they arose on account of services for which no grants had been made by parliament. This he did in order to shew that his deceased friend had not prepared his accounts with that negligence and want of foresight which might, perhaps, have been attributed to him, by those who might have had no opportunity of knowing any thing of the matter, except from the statement of the noble lord. He concluded by expressing his approbation of the manner in which the budget had upon the whole been proposed.

Mr. *Vansittart* admitted that it would, no doubt, be extremely improper to bring forward the Ways and Means, unless those who brought it forward had some idea of what the expence of the military department was likely to be. He by means agreed with the hon. gent. who had just sat down, that the surplus of the consolidated fund was under-rated, and denied the criteria upon which the hon. gent.'s estimate was founded; but yet he would, of course, be happy if the result should appear to justify the hon. gent.'s calculations. The right hon. gent. took occasion, in alluding to the war taxes, to state that the country was indebted to his noble friend (lord Sidmouth) for the origination of that system, from which such salutary efforts were found to spring, and the principle of which now met the universal concurrence of parliament and the country.

Mr. *S. Bourne* alledged, that so far from overlooking the frauds committed in the West Indies, the late board of treasury issued several orders for the prosecution of all persons concerned in such frauds, and absolutely referred the case to the comptrollers of the navy, with directions to suggest proper measures to guard against their recurrence. He had also to state, that immediately after the report of the commission on the subject of these frauds, the report was referred, with a similar view of prevention for the future, to the commissioners for auditing public accounts. So that nothing was left undone by the late board of treasury, to punish the agents, and to prevent the recurrence of the evil complained of.

Lord *Temple* thought it his duty to state, that he knew of his own knowledge, that steps were taken by the late ministry to prevent the recurrence of the frauds committed in the West Indies. These frauds consisted of extravagant premiums on exchange, and false vouchers; and such abuses did, he knew, still continue to exist.

Mr. *Huskisson* could not well conceive how the noble lord should undertake to speak so confidently as to the proceedings of the board of treasury. But if those who had the opportunity would look more attentively into the records of that board, it would be seen that no means were neglected, that promised to put a stop to the frauds alluded to. The fact was, that in consequence of an order from the late board of treasury, a person was now under prosecution in the court of exchequer, for permitting the continuance of the abuse which gave room for these frauds, although the character of this individual for integrity was by no means implicated. But, independently of the orders for prosecution, arrangements were made in the West Indies with respect to the drawing of bills upon England, which were particularly calculated to guard against every fraud upon the subject of exchange.

Mr. *Rose* said, that had the noble lord taken the trouble to examine the records contained in his office, he would have found that steps had been taken for correcting the evil in question.

Mr. *Perceval* said, that whatever steps might have been formerly taken for the removal of the evil, yet new culprits might arise, whose cases might require the application of additional remedies.

Mr. *Fox* complained, that after the abuses had been known to exist for five years, no general plan had been devised for preventing their recurrence, and that matters had remained in precisely the same state, as when they were first discovered.

Mr. *Long* begged to know, how the sum of 90,000*l.* payable as interest on the loan from the bank, was to be provided for?

Lord *H. Petty* answered, by exchequer bills.—The several resolutions were then agreed to, and the report was ordered to be received to-morrow.

HOUSE OF COMMONS.

Saturday, March 29.

[MINUTES.] A message from the lords informed the house, that their lordships had agreed to the 10½ Millions Exchequer Bills' bill, the 1½ Million Exchequer Bills' bill, the Rum and Spirits Bonding bill, and the Felons' Transportation bill, without any amendment, together with several private bills.—On the motion of Mr. Fydell, the account of Wool imported into Great Britain was ordered to be printed.—On the motion of lord Temple, the house resolved itself into a committee on the British Fishery bill, Irish Treasury Bills bill, and the report was ordered to be received on Monday.—Mr. Windham gave notice that he would on Wednesday bring forward his motion for the better defence of the country, for the production of which some gentlemen on the other side had so prematurely manifested such impatience.—Mr. W. Wynne presented abstracts of the Subdivision Rolls under the Levy en Masse act. He stated, that in 1803, the proper returns had been made for only seven counties; and in 1804 for only three counties; but letters had been written to the lords lieutenants of those deficient, requiring returns to be prepared.—The Attorney General brought up the report of the committee, appointed to search the lords' journals, to learn the proceedings of their lordships in the case of the Declaratory Witnesses' bill and the Witnesses' Indemnity bill, which was ordered to be printed.

[BUDGET.] Mr. *Vansittart* moved for a return of the amount of the balances remaining in the exchequer, and in the hands of the several treasurers of the army, navy, and ordnance, in the year ending the 5th of Jan. 1805, and which were allotted to pay off sums voted for the service of the year 1804.

Mr. *Long* observed that when the account just moved for should be brought forward, it would appear that the statement which the noble lord had made yesterday was quite erroneous. The noble lord had stated that 5 million of the late loan was to be applied to the discharge of the last year's arrears; thus casting a reflection upon the judgment and financial calculation of his right hon. friend (Mr. Pitt). But it would be seen that the arrears alluded to were not those of last year merely, but an accumulation of several years. It would, however, be recollected by all who were acquainted with our financial history, that arrears had accrued almost every year to be provided for from the Ways and Means of the preceding year. The balances of the revenue of the last year were, he contended, more than sufficient to cover the deficiencies complained of as arising in that year. Thus much he thought it necessary to say in vindication of the conduct and system of his illustrious friend, the noble lord's predecessor.

Mr. *Vansittart* maintained that his noble friend had not described the arrears alluded to by the right hon. gent. as those of the last year; but on the contrary, as the result of several years. On the whole amounting to more than 5 millions.

Mr. *Canning* took fire at the recollection of the remarks, which were made yesterday by the noble lord the chancellor of the exchequer. At the time he heard them he was surprised, but since then he had had recourse to the proper sources of information, and had learned that the sums yet to be received were more than sufficient to meet the expenditure of that year. Therefore assets remained to cover the debts. Such being the fact, he could not help complaining of the unfair, illiberal reflections which the statement made by the noble lord was calculated to produce with regard to the conduct and character of his lamented friend (Mr. Pitt).

Lord *Temple* observed upon the right hon. gent.'s angry solicitude to resist any injurious allusion to the memory of his late friend, for whom there were many who felt quite as warm an interest and attachment as that right hon. gentleman could pretend to. However, as the right hon. gentleman professed to feel so much umbrage at any reflection upon his right hon. friend, because he was no more, it was rather strange that he should attempt to throw out reflections upon his noble friend (lord Henry Petty), who was absent.

Mr. *Canning* replied, that he should not be deterred from commenting on the statements of the noble lord, whenever a proper opportunity occurred; and that he thought his absence extraordinary when the house were about to go into a committee of Supply.

The house then resolved itself into a committee of Supply; and the report on the resolutions respecting the Ways and Means being brought up, and the first resolution read,

Mr. *Brooke* rose to state, that he should feel it his duty to oppose the additional tax on Sugar.

Mr. *Francis* also said, that he should take an opportunity to state some objections to the resolutions generally, and in particular to that which went to make such an increase on the Property Tax.

Mr. *Babington* said, that he could not approve of taking away the exemptions under the Property Tax. He should also ask the noble lord, whether he meant to comprise military officers, clergy with small incomes, and those who had only a life interest in an estate, under the operation of the Tax?

Mr. *Rose* thought, that as the noble lord had expressed a wish that the consideration of the Resolutions should be postponed, it would be but fair at present, to abstain from any discussion of them till Monday, when it could be entered in at full length and with every advantage.

Lord *Henry Petty* expressed himself obliged to the right hon. gent. who had spoke last; but while he was up, he would take the opportunity of replying to the question that had been put; that it was intended to exempt military officers and clergymen of small incomes, though not those who had only a life interest in their property.—The several resolutions being read, the farther consideration of them was postponed till Monday.

HOUSE OF LORDS.

Monday, March 31.

[MINUTES.] The royal assent was given by commission to the two Exchequer Bills bill, the Felons' Transportation bill, and to several other public and private bills. The commissioners were, the lord chancellor, lord Auckland, lord Walsingham.—Lord Grenville rose and moved the order of the day for taking into consideration his majesty's most gracious message, recommending the conferring some signal mark of favour on sir J. T. Duckworth, for the late important service performed by him to the country. His lordship observed, that having so recently had an occasion to direct the attention and admiration of the house to those glorious and useful services, he should not vainly attempt to amplify by words what must be so gratefully felt by their lordships, and by the country at large. He should therefore content himself with moving, that an humble address be presented to his majesty, assuring his majesty, that that house would cheerfully attend and give effect to his majesty's most gracious recommendation. The motion was agreed to, *nem. diss.*

[MILITARY ESTABLISHMENTS.] Earl *Camden* rose to move an address to his majesty, praying for the production of certain papers. They were of two descriptions; one alluded to the Additional Force bill, and to the number of men raised under its operation in each county and parish; the other referred to the general recruiting service for the different corps of which the army was composed. He should not now enquire, for he could not expect an answer to such a question, whether it was the intention of his majesty's ministers to repeal that bill. He had no wish whatever to provoke or anticipate any discussion respecting the plan that was in preparation for improving and strengthening our military system: the chief object of the motion with which he should conclude, was to collect and have in readiness before the house such information as was likely to bear upon the important question that was soon expected to engage their lordships' attention. He did not foresee any objection to what he should have the honour to propose; but if there was any, he should be ready to couch his motion in what less objectionable terms his majesty's ministers should think proper to suggest. His lordship then concluded with moving, "that an humble address be presented to his majesty, praying that he would be pleased to give directions that there be laid before the house a Return of the number of men raised in each county and parish, conformably to the provisions of the Additional Force bill."

Lord *Grenville* said, he should have no objection to the motion, provided it was understood that the return moved for not only contained the number of men raised by the provisions of the bill in question, but also a description or explanation of the particular manner in which they had been raised in each parish. That was the consideration which in his mind would principally bear upon the plan that was to be brought forward, the particulars of which he expected would be known before forty-eight hours had elapsed. Much impatience had been expressed at the delay that had accrued in bringing forward that measure; but it should be recollected how essential it was both to the military service, and to the present circumstances of the country, that nothing crude and imperfect should be hastily thrust forward, but that leisure, thought, and consultation, should be employed in digesting a system that should fairly promise to answer its object, and meet the exigencies of the case; considering the motion in the point of view in which he had placed it, there should be no opposition to it on his part.

Earl *Camden* had no desire but to obtain such information, as was likely to be useful in the discussion that was so soon to claim their lordships' attention; and he willingly consented it should be understood, that when the return was made, it should be looked upon not only as indicative of the number of men raised, but also of the particular manner in which they had been raised.—The motion was then put and agreed to. The noble earl next moved, a similar address for the production of several other papers relative to the general recruiting of the Army, which motion was also agreed to.

Lord *Hawkesbury* said, that he should have to trouble the house with a few motions, which, in his opinion, would follow up and tend to give a more comprehensive effect to the motions which had just been submitted to the house by his noble friend. The object of them was, first, to obtain a return of the number to which the Volunteer Force of England and Ireland amounted, in the year 1804; and of the number that had been certified to be effectual. He should wish a similar return to be made of the state of the Volunteer Force for the year 1805. It must be obvious that the end he had in view, was to ascertain whether that force had diminished or increased; and how far it might be relied upon to form a part of our military system and means of defence. He was not aware that there could be any objections to these motions, but if there was, he should be ready to adopt any other less objectionable mode of framing them, which any noble lord would take the trouble to suggest.

Lord *Grenville* felt no desire to object to the motions; though, as they now stood worded, he did not well conceive how a satisfactory return could be made in consequence of them. Much would turn on the word "effective;" and a return in that view by the Inspecting Officer. The volunteer force should not be considered in the same light, or under the same regulations as our regular force. He himself, was an officer of Volunteers, and a member of parliament; but in neither capacity did he know, that the efficiency of a volunteer corps depended upon the return of an Inspecting Officer. In the parliamentary sense of the word "efficient," as applied to a volunteer, all those were efficient, who had attended the number of days prescribed by the act of parliament, whether among those days of attendance was the day of inspection or not. The Inspecting Officer had no authority to compel the Volunteers of any corps to attend on such days, and it might happen, that fewer attended on the day of inspection than on ordinary days. Besides there were many reasons and circumstances, which when duly weighed, would, he was sure, dissuade the noble lord from pressing his motion in these words; for it would be impossible for any Inspecting Officer to make any return respecting the greater or less number of efficient men, otherwise than by giving his opinion that such a particular corps was better disciplined than another. The noble lord would also recollect that the Irish Volunteer System was very different in its formation from that which prevailed in Great Britain. To make the same order for both must therefore be productive of confusion, and render it impossible to make any satisfactory return. He hoped, therefore, the noble lord would so word his motion, as to include only Great Britain, and to omit the return by the Inspecting Officer.

The Earl of *Roslyn* observed, that there might be such an infinite variety of shades of difference between the greater or less degree of perfection in discipline in this or that Volunteer Corps, that it would be utterly impossible to make any general return according to the word "efficient," in the sense in which he supposed the noble lord to understand it.

Lord *Hawkesbury* could see no difficulty in making the return, but he was still willing to adopt the amendment suggested, to omit Ireland, and to move only for the amount of the number of volunteers during the years he had mentioned, stating also the number that had been returned as efficient.—The question was then put on the motions so amended, and agreed to.

[COLONIAL INTERCOURSE WITH AMERICA.] Lord *Holland*, after adverting to the intention of a noble lord, below him, to bring in a bill relative to this subject, made some observations with respect to the magnitude and importance of the subject, of which it formed a part. He alluded to the opinions he had thrown out last session upon the particular topic to which his noble friend's bill proposed to refer, and expressed his opinion, that further documents were necessary to bring the true state of the subject before the house. His lordship concluded by moving for a variety of accounts of that description, as, the number of British ships, the tonnage thereof, and the number of men, engaged in the trade between Great Britain and the West Indies, &c. from the year 1790 to 1804, inclusive; and several other documents; which, after a few words from lord Sheffield, were ordered to be laid before the house.

Lord *Auckland* then rose to make his promised motion, which he prefaced by entering into several details. By the navigation acts of Charles II. and William III. all trade to the British Colonies in foreign bottoms was, he said, prohibited. It was evident that the vessels of the United States of America were foreign bottoms, and therefore came under the prohibitory clauses of these acts. From the peace of 1783 to 1788 they were precisely in this situation. In the latter year a legislative measure was resorted to upon the subject, which continued till the year 1793, from which period till the year 1801, the governors of the British Colonies in the West Indies exercised the power of granting, as necessity required, permission to import provisions and lumber from America, and every year a bill was passed to indemnify those concerned in advising or exercising this measure, for their acting contrary to law. It happened, however, that in 1801, owing to the confusion arising from the change of Administration, a bill of this description was omitted to be brought forward, and the subject had escaped attention until the present time, when, on turning to its consideration, he found this to be the state of the case. It became, therefore, necessary to indemnify four administrations, including that now in office, for having thus acted contrary to law since the year 1801, as well as the governors of the West-India Islands; this was the object of the bill, which it was his intention to introduce, and which, he had no doubt, would be supported by all those noble lords who had formed a part of the four administrations to which he had alluded. With respect to the subject itself, it was certainly of the greatest importance that our West-India Colonies should be regularly supplied with provisions. From the nature of their cultivation they could only grow a very small part of the provisions necessary for their subsistence. He was not disposed to quarrel with the United States of America for supplying the West-India islands with those articles; on the contrary, he was disposed to think it an advantageous intercourse. If the islands were left to depend upon this country for a supply of provisions, it must necessarily, in time of war, be precarious, whilst in the event of scarcity, ships sailing from this country would, of course, go to those islands where they expected to get the highest prices, and probably pass those which were most in want. A regular supply of provisions to our West-India islands could only be ensured to them from America, and his opinion was, that the enactment of our laws ought not to be followed up with any view of preventing the Americans from deriving an advantage from the intercourse. The neutral bottoms of the Americans were of use to us in time of war; the advantage was mutual. The United States of America had grown with our growth, and strengthened with our strength, and had contributed much to the increase of our commerce; a commerce which had arisen to an unexampled pitch of prosperity, and which was greatly superior now to what it ever had been, even in time of peace. Thus it appeared from official documents, that the value of the exports from this country of British manufactures, which on the average of the five years, ending in 1793, amounted to 15,400,000*l.* amounted, on the average of the five years ending in 1805, to 25,600,000*l.* He thought it would be advisable to introduce some regulation, in order that the intercourse between our West-India colonies and America, might be placed upon a more certain footing: this might be effected by authorizing the governors to issue proclamations from time to time, allowing the importation from America, each proclamation to be in force for six months, which would ensure a more regular supply, there being a certainty that no interruption would take place during that period. His majesty's late ministers, to whom, in this instance, he did not mean to impute the least blame, had sent out a circular letter to the governors in the West Indies, requiring them not to grant a permission for importation from America, on light and trivial grounds. Some of them took an alarm, and put a stop to the importation altogether, which had the effect of enormously raising the price of provisions. It was, however, fit that the intercourse, which was necessary, at least in time of war, to the comfort and well being of our West-India colonies, should be regulated by an act of the legislature, and that the governors of our islands should not be reduced to the necessity of continually acting in violation of the law, or ministers at home, of continually advising such violations. He concluded by presenting a bill to indemnify all persons concerned in advising or ordering measures for importing certain articles into the West-India islands from America, in American vessels; which was read a first time.

The Duke of *Montrose* concurred with much of what had been said by the noble lord. He thought, however, that with the aid of convoys, the West Indies might, even in time of war, be supplied from this country; but admitted that a supply so sent would be precarious. In time of peace, however, the question assumed a far different shape, as he conceived there was no doubt that our West-India islands could then be supplied regularly from this country. He objected to the trade between America and the West Indies on account of its giving rise to smuggling to a great extent, and of its enabling the Americans to import into our colonies the produce of the East Indies at a low rate, thereby excluding the merchants of this country from a beneficial source of trade. When he heard the noble lord speak of the advantages of neutral bottoms, he hoped his majesty's ministers had not formed a similar opinion with respect to the trade carried on by America between the enemy's colonies and the mother country. The confining our West-India islands to procure a supply of provisions by means of British vessels in time of peace, would be the means of employing a great number of British seamen, whilst it would prove a beneficial source of commerce to this country, the advantages of which ought not lightly to be given up.

Lord *Sheffield* observed, he was not prepared, at present, not being exactly aware of the line of argument, and calculation, which the noble lord intended to go into; otherwise, he thought he could controvert a great deal of what the noble lord had advanced.

Lord *Holland* deprecated our entering into any war of regulations with the United States of America, respecting an intercourse which tended to mutual advantage. He could not conceive that the confining our West-India islands to a supply in British vessels would be of that advantage to this country which the noble duke had stated; the seamen employed in such a trade were not of that description to be useful to this country, neither would building ships here for the purpose of sending to America to purchase provisions to carry to the West Indies repay the expence. He trusted that parliament would never again try the experiment which was productive of so much misery to our West-India colonies, in the period from 1784 to 1786, when their supply from America was cut off, and in consequence of which, in Jamacia alone, 15,000 negroes died, from the famine which that regulation produced.

The Duke of *Montrose* contended, that in time of peace an exclusive trade to our West-India islands, in British vessels, would be the means of employing a great number of our seamen, who would otherwise be unemployed.

Lord *Grenville* observed, that the question as to what might or might not be politic or expedient, with respect to the trade to our West-India islands in time of peace, was wholly foreign to the question now before the house. Whatever opinion might be entertained on the former point, it was clear that in time of war, a necessity existed for allowing the Americans to supply our West-India islands with provisions; at all events, he was not disposed to hazard a speculation of confining the source of supply of British vessels, when the subsistence of near a million of persons inhabiting a most important part of the British empire was at stake. He suggested that it would be most expedient to adopt a legislative regulation, which might be done by a clause in the present bill, authorising his majesty in council, to direct his majesty's governors in the West Indies to issue proclamations from time to time, each proclamation to be in force for six months, allowing the importation of provisions and lumber in American vessels. He was decidedly of opinion that some legislative regulation ought to be enacted upon the subject, and that the system of continually violating the law and passing bills of indemnity, ought not to be continued.

Lord *Auckland*, in farther explanation, observed, a clause may easily be introduced in the committee, to the effect intimated by his noble friend; and in consequence of an observation of the Duke of Montrose, said it was his intention to propose to have the bill printed.—The bill was then read a first time, and ordered to be printed.

HOUSE OF COMMONS.

Monday, March 31.

[MINUTES.] Sir John Newport took the oaths and his seat for the city of Waterford.—Mr. Matthews presented a petition from the debtors confined in the county gaol of Waterford praying for relief.—The 20 million loan bill was read a first time.—Mr. Hawthorne brought up the report of the British fishery continuation bill, which was agreed to.—Mr. Hawthorne brought up also the report of the Irish Treasury Bills bill, which was agreed to.—Mr. Brooke, after stating the object of a motion of which he had given notice, for the protection of our colonial produce, by increasing the consumption of Rums, instead of foreign brandies, in the royal navy, and having stated that the consumption of foreign brandy in the navy last year was 625,000 gallons, whereas that of rum was only 220,000, and that this difference was owing, in a great measure, to the manner the duties are now levied; said, that he had so much confidence in the present administration, and in the assurance he had received that the suggestion he had made would be attended to, that he thought it unnecessary to press the motion of which he had given notice.—The motion was consequently withdrawn.

[SLAVE IMPORTATION BILL.] The *Attorney General* said, that the motion which he then rose to make, was one in which humanity and sound policy were united. It was to prevent so much of the trade as concerned the importation of African negroes by British ships into the colonies conquered or ceded to us in the war, or into the colonies of any neutral state in the West Indies. At present every state that had colonies in America, or the West Indies, and that were not actually at war with us, availed itself of the opportunity of British shipping to carry on the trade. Even in time of war, our enemies were also supplied with negroes for their colonies by British subjects and by British capital, although in a more indirect manner. The Danish islands of St. Croix and St. Thomas formed depôts in the West Indies, from which our enemies could be supplied with as many negroes as they wanted, and which were now brought there principally by British subjects and British ships. From these depôts, Cuba, St. Domingo, Martinique, and Guadaloupe, and many parts of the continent of Spanish America, were supplied; and when it was considered that those colonies were not only the sources of their prosperity, but that they were also the foundation of their maritime strength and power, it would appear contrary to sound policy that we should afford them the means of rivalling our colonies, and of attaining a high degree of commercial prosperity. The possession of St. Domingo alone was, in this point of view, of incalculable value to France before the revolution. It employed a prodigious number of ships, and formed a number of seamen. Of the settlements that had come into our possession since the commencement of the war, some came by right of conquest, and therefore while they remained in our possession, his majesty had undoubtedly the right of legislating for them. There were others which were ceded by capitulation, the terms of which necessarily restricted this right of legislation. His majesty had already, by his proclamation, dated the 15th Aug. 1804, laid down certain limitations in this respect. It was evidently against the policy of this country, that great importations of slaves should take place in settlements which perhaps might be restored at the conclusion of peace. He therefore moved for leave to bring in a bill, to carry into effect his maj.'s proclamation of the 15th of August, 1804, for preventing the importation of African negroes by British subjects or British shipping into the colonies conquered by, or ceded to us in the course of the war.

The *Speaker* suggested to the right hon. gent., that in point of form, it was necessary that a copy of that proclamation should be first laid before the house.

Mr. *Fox* seemed to consider, that a proclamation of his majesty in council might be taken notice of by the house without a copy.

Mr. *Perceval* said, that this was a proclamation not binding on all his majesty's subjects, and therefore it could not be taken notice of by the house, unless a copy were laid before them. He suggested to the learned gent. that it would be the better way to withdraw his motion for the present, and move for an humble address to his majesty, praying, that he would be graciously pleased to order a copy of the said order of council to be laid before the house.

The *Attorney General* agreed in this suggestion, and gave notice, that he should to-morrow move for a copy of the order in council.

General *Tarleton* hoped the right hon. gent. who proposed this measure, would at least allow sufficient time to the merchants of this country to investigate the subject. It was certainly a matter of very great consequence.

Sir *Wm. Young* observed, that in some of the islands taken, particularly at Tobago, there could hardly be said to be a Frenchman. Instead of capitulation, it was with exultation that they saw themselves placed under the British government.

Mr. Alderman *Prinsep* thought the right hon. and learned gent. had not made himself sufficiently master of the subject. As to the power of legislating for the colonies that were ceded, as long as they should continue in our possession, it was a right, which, generally speaking, was not restricted by any capitulation.

The *Attorney General* said, that it was his intention to bring in his bill as soon as possible, that it might be read once before the recess; which he thought would meet the ideas of an hon. general (Tarleton), and give sufficient time for the consideration of the subject.

[Budget.] Lord *Henry Petty* moved the order of the day for the further consideration of the report of the committee of Ways and Means. On the question being put that this report be now taken into farther consideration,

Mr. *Francis*, who, on this occasion only, sat on the speaker's left hand, commonly called the opposition bench, began with making an apology to the gentlemen, who now occupied that situation, for committing such a trespass on their undoubted though recent right of possession. Then, addressing himself to the speaker, he said:—I have been accustomed for so many years to sit on your left hand, that I confess I feel myself more at home on this side of the house than on the other. We are creatures of habit, and naturally fall into the track we have been used to. Nevertheless, sir, as I have no particular ambition to stay here a moment more than is necessary, the gentlemen near me may be sure that I shall not invade them very long. I really have no wish to interrupt their enjoyment of these places, much less to supplant them. What I have to say to-night, will be addressed more particularly to some of his majesty's ministers. For that reason only, I wish to stand where I do, and for no purpose but to be distinctly heard by them. On the general principle of the Property Tax, supposing that to be the right name and description of a tax upon income, I may possibly deliver my opinion in another stage of the bill. I say possibly, because, on that point, my intention is by no means so resolved as my judgement. At this moment, I am not sure that it would be prudent, or, even if quite safe, that it would be fair and honest to load a measure of positive and irresistible necessity with difficulties and objections, which admit of no remedy, and to which no rational answer but necessity, can be applied. On that ground the truth of the allegation, once proved or admitted, supersedes at least, if it does not in effect prohibit, all argument. I shall therefore apply myself first to such objections only to the plan of my noble friend, as belong to the detail of the measure, and, in my opinion, admit of an easy solution. If I have mistaken him in any instance, he will readily set me right. His abilities, I believe, are equal to the task he has undertaken. But, when a great difficulty is to be encountered, a wise minister will not reject assistance of any kind, and especially if it be offered to him from a quarter, which it is not possible he can suspect of enmity or double dealing. It is not in my nature, to profess friendship for any man, and then to counteract him by indirect hostility. If he gives me credit for the sincerity of this profession, he will listen with patience to the doubts, which I shall submit to his consideration; because patience and attention to every body is eminently the duty of his arduous office more than of any other, from the infinite variety and perplexity of the services which it embraces; and he will listen to me with kindness too, because he ought to be convinced that I have no thoughts of adding any thing to his difficulties, much less of thwarting or retarding the public service in his hands. Before I proceed to objects, which appear to me of greater and more general importance, I wish to begin with stating and dismissing as soon as may be some inferior difficulties, which I think may be removed, and about which I believe the noble lord and I are not likely to disagree; I mean in the mode of collecting this tax. He says, that "it is "proposed that 10 per cent. shall be paid "on all property above 50*l.* a year; but, "on production of the will or deed, con"stituting the annuity and demonstrating "the claim to exemption, the tax office "will be authorised to make repayment." Against this provision of the bill, on its principle and on all its effects, I am bound by my opinion to protest without reserve, and to entreat the noble lord to reconsider it. In some senses it increases the burthen on the lowest class of annuitants, who, on the professed principle of the clause, ought to be exempted. It says to the party, who ought not to pay at all, pay your ten per cent. first, and recover it afterwards. In the first place, I do not believe it possible that any person, who has nothing to live on but the annuity described in the clause, can make the deposit. With an income of one hundred pounds a year, for example, I ask is it possible for any man, with or without a family, to lay down ten pounds at once, or even by two half yearly payments? He has it not; and, if he complies with the demand, he must borrow the money. But, granting him to be able to make the deposit, what right have you to drive him to that distress, if he be the person you describe, and who is entitled to the exemption? Then what is the remedy you provide for him? Why, after paying the full amount of the tax, he may recover it from the tax office; that is, he must begin with parting with a sum, which you confess you have no right to, since you promise to restore it, and litigate for it afterwards with the collectors of the revenue. This, I conceive, is equivalent to a new tax. The annuitant in question is taken from his occupation or his labour, and loses some portion of the very income you are endeavouring to bring within the reach of the tax, while he is travelling from his home and attending at a tax office to establish his claim and to recover the sum, which you have unjustly forced him to deposit. I know, by experience, and so do we all, what the unavoidable delays and inconveniences of such a course of proceeding are, and must be. In the case of sur-charges for example, I assure the house that, notwithstanding the best disposition and the greatest industry on the part of the commissioners, the trouble and vexation of going several miles, day after day, with attendance, &c. were such that, in some instances, of no great amount indeed, I have abandoned my claim, rather than be plagued with the trouble of asserting it. Yet nobody was in fault; nor do I know how the difficulty could be avoided. Then comes another and, as I imagine, a fatal objection, even to the remedy proposed. If the tax-office in every county and city is liable to refund, they must be intrusted with a perpetual deposit of public money to answer the claims of exemption, as fast as they are established; which, I conceive, would be a practice unsafe for the public, and contrary to the principles, on which the collection of the revenue is made and secured. The power left with each tax-office, to favour or to discourage every question of exemption that comes before them, deserves to be seriously weighed; considering that the unavoidable delays, incident to the recovery of a tax once paid, attended with waste of time and hindrance of business or loss of labour, are equivalent to a new tax, in the form of a burthen, and must tend to harass and distress the parties, and, in some cases perhaps, drive them to give up the object rather than pursue the process.—The next object, or rather omission, which I have to submit to the house, is objectionable on very different ground from that, which I have just stated. In that, the tax was exacted from parties, who were entitled to exemption. In this, a great mass of property, which ought to pay, does or may escape totally from the tax. I mean the whole amount of the floating securities of government, commonly called the unfunded debt, on which the proprietors receive interest from the public, just as much, if not rather more than any other holders of stock. This property, I believe, may extend to a capital of 25 millions, more or less. The exact amount is not material to the argument; except to shew what an enormous loss may be suffered by the public, if the tax on the income of such a capital amounting to 1,250,000*l.* should not be duly collected. Is it meant that this species of property should be exempted from the tax? If it be, declare it, and state your reasons for the exemption. Establish, if you can, a rational distinction between the public creditor, whose capital is funded, and him, whose capital is not funded. Otherwise it is a palpable contradiction to justice and common sense, that one of those parties should pay the tax, and that the other should escape it. I know very well that every man is bound by law to include this sort of property in the return of his income; and I say, that for obvious reasons, you ought not to depend on the fidelity of such returns, especially in a case where the intention of the law may be too easily evaded. In the funded property you do not rely on that sort of evidence. My noble friend has made an arrangement, greatly to his credit, with the governors of the bank, by which the tax on all that income is secured. If it be said that the tax will lower the marketable value of such securities; my answer is, what then? The law gives no exemption to the income from that source, any more than to the three per cent. annuities. Undoubtedly the value of all capital, wherever it be vested, rises or falls with the interest it produces. In the case of the funded stock this consideration is not regarded. But exchequer bills and navy bills have a marketable value, independent of the interest, which arises, from the facility of transfer from hand to hand, and from other conveniencies in the daily use of them, to which the funded stock is not so readily applicable. I believe then that the tax would not affect the price, or very slightly, if at all, unless indeed you reckon the facility of evading the contribution, as an addition to the value. But, were it otherwise, it is enough for my purpose that the law does not acknowledge the distinction. The law itself, whatever be the practice of the executive power, does not favour the unfunded at the expence of the funded debt. In whatever degree the former escapes, it is a fraud or an injury to the public revenue, and an injustice to him, who honestly pays his share of that revenue. It will strengthen my argument and help you to a clear view of the abuse, if I state a fact in point, though it makes against myself. In drawing up the last return of my property, I forgot I had two exchequer bills of 100*l.* each, which had lain a long time at my banker's. Nobody ever asked me for the tax on the interest of these bills. The consequence is that I am undesignedly a defaulter to government to the amount of so many shillings. The instance is inconsiderable, but it proves the proposition. If a hundred pound can escape in this manner, why not a million? The remedy is obvious and easy. These bills are paid off at stated periods. When they are so paid, where would be the difficulty of deducting the amount of the tax from the interest then due? I see none. I shall now proceed, sir, to a more general consideration of the state of the country, with regard to its surviving powers and resources, in comparison with the demands, which those means are to provide for. A few days ago my noble friend was censured, very unjustly as I thought, for holding out a gloomy view or a desponding language on this subject. I do not recollect that he said any thing, that was fairly liable to that sort of observation; but, whether he did so or not, or even admitting that he did not suggest or encourage those sanguine hopes, which are entertained or professed by others, I say that, without suffering our minds to be governed by exaggerated hopes or fears, we ought to know the truth of our situation. Without that knowledge, you may confide or you may despond; but you can neither meet your difficulties firmly, nor safely or honestly disregard them. Look at the state of the country, I say, with all its collective burthens, direct and indirect. A careless conclusion, from the apparent wealth of the capital to the rest of the community, is of all things to be most avoided, because it leads into the worst and most dangerous error; that I mean, which begins with enormous injustice, and may end in irretrievable ruin. In this great city, I doubt not, there are ways and means, by which a multitude of individuals and some great corporations, while they pay with one hand, may indemnify themselves with the other, and so make their income whole again. But this cannot be the case in the country, nor even generally in the cities. On this view, sir, and not without the most attentive application of my thoughts to the subject, I have taken my resolution not to examine the taxes proposed to answer the interest of the new loan, but to oppose them all. The principle I act on exempts me from enquiring into their specific merits. Admitting every one of them to be unexceptionable as a tax, I object to them in the mass. I say there ought to be no new taxes, on account of the loan for the present year. These are stated at 1,136,000*l.* and, as it appears to me, are to be added to the present intolerable taxation of the kingdom without an absolute and irresistible necessity, which alone could justify such a measure. In my opinion we are not driven to that extremity. If we are, prove the necessity, and there is an end of all argument. But I say you have a better resource, and that you ought to resort to it. A sinking fund has been created for the gradual extinction of the debt. There is no great skill in the contrivance, or genius in the discovery. From the time of Sir Robert Walpole to this day, it has been the favourite child of every chancellor of the exchequer. Such at least have been their professions. The merit of Mr. Pitt did not consist in the invention, which was easy and obvious, but in the effectual course he took to give abundance and vigour to the measure, and to increase the power by its own action. This he did wisely and resolutely on the principles of his plan, and I give him full credit for it. The fund, at this period, amounts to 8 millions; proceeding rapidly in its operation, and growing as it operates. Now, I ask, in what way are we the better for this fund? I mean, sir, sensibly, palpably, tangibly, and not in distant hopes, or airy speculations. Has it relieved the public from any old burthen, or has it prevented any new one? Common sense and common practice too, in similar cases, would lead one to expect that, as fast as the bond or the mortgage, or any material portion of it was discharged, the interest should cease or be extinguished in the same proportion. On that principle, when a given part of the public debt is bought up, some tax ought to be taken off; some relief ought to be granted. But, as we manage the matter now, the more we pay off, the more we borrow. The sinking fund, the debt, and the taxes grow and improve together, and keep pace with one another. I am far from meaning that this might not have been a proper course in the infancy of the measure, or in the early years of its growth. It is the maturity of the fund that changes the policy, and gives the public a claim to a share in the resource. I mean a moderate share, such as the amount of the proposed taxes would be; that is, a little more than one million out of eight. Now, I ask for what purpose is this enormous revenue extorted from the people, not only without being applied, as it might be, to their relief, but even without protecting them from fresh and intolerable exactions? It has been said, with an air of triumph too, that the amount of the sinking fund, compared with the whole debt, has grown and is growing more favourable to the public; that the arithmetical proportion of the power to the service has improved considerably, and that, some day or other, the fund will extinguish the debt, or essentially reduce it. I see no sign of that event. All I know is that in fact the debt thrives by the reduction, or in spite of it. But, even if it were otherwise; if the success of these speculations, at some distant day, were as probable, as in my mind it is the reverse, what benefit does the operation furnish to the present generation? Is it an answer to misery sinking under oppression, that a remote posterity will be the better for our sufferings? Our children, I am sure, will owe us no gratitude on this account. They will not thank us for sacrifices, from which they at least will derive no positive advantage. Let us now consider what is the real operation of this great fund upon public credit, what immediate purpose it answers, and what is the final result of it. Why, sir, all we know with certainty is that the constant application of the produce to the purchase is just sufficient to keep the price of the 3 per cents at sixty; and, for this important service, the nation pays 8 millions a year. But what is the result of the service? To enable ministers to make new loans, on terms always said to be highly favourable to the public, that is, to furnish them with a facility to borrow more and more. This sinking fund then, in contradiction to its title and to all its pretensions, is in fact the medium not of real diminution, but of positive increase of debt. It is time for us to consider, whether that effect be worth purchasing at such an enormous expence. At all events I hope that cunning arguments and nice distinctions, such as we have heard heretofore on this particular point, will not be repeated *verbatim* by his majesty's present ministry. We have heard enough and too much from ministers of all sorts, of the promising, the prosperous, the flourishing state of the nation, with some slight and moderate abatements only, on account of a few temporary inconveniencies and transient difficulties, which they are too candid to deny. As long as existence can be held together, the patient is sure to hear nothing from the faculty, but compliments and congratulations on his florid looks and healthy appearance. Now what do all these flattering indications consist in, and what do they demonstrate? Why, sir, without pushing the conclusion to an extremity, without saying or meaning that the case is desperate, I hold it more or less true in fact, that the bloated surface proves nothing but a failure in the *stamina.* Whenever it bursts, you may possibly be relieved, but it is full as likely you may expire. Now compare the evidence with the allegation. In this metropolis, I know that there did never exist such a scene of expence and luxury, and of unbounded dissipation of fortune, as London exhibits. If extravagance and profusion are proofs of wealth, we need not look further. The proof is equal to the proposition, and exceeds it. Reflecting men, I believe, will not trust implicitly to these appearances. In fact, they can only be accounted for by a glut of factitious riches. No man wastes a real property at this rate. No man parts with gold and silver with the same facility, with which he squanders a mere paper security, which he knows he cannot change into specie. The circulation of this paper however, as long as it lasts, gives life and activity to all the means of immediate enjoyment. It is true. They, who are satisfied with the present, are not likely to consider the consequence. Others perhaps may submit to be better taught by experience. The history of France furnishes an example in point, on a great but still on a very inferior scale. There never was a period of such extravagant expence and riotous profusion in Paris, as in the days that preceded the fall of the royal bank in 1719. France was deluged with paper as we are. Suddenly the credit of the bank failed. Down went the paper, down went Paris, and down went France*. In time however, that great kingdom revived and rose out of its ashes, because it had resources within itself, which could not be annihilated. But our situation, it seems, on the whole is prosperous. We are overwhelmed with paper. There is no specie in circulation. Does any gentleman here receive a guinea in a thousand pounds in the collection of his rents? If you sell your house or your estate, in what coin are you paid for it? In notes of one kind or other, public or private, no matter which. These notes are value received to-day, and may be worth nothing to-morrow; literally nothing. Between the Property Tax invading us on one side, and the circulation of paper, not convertible into specie, on the other, does any man know what he is worth, or that he is worth any thing? But the power of parliament has interposed to protect the Bank of England from making good the fundamental conditions, on which they originally obtained, and, until the year 1797, held their charter. I know it. The legislature acquits them of their daily promise, still expressed in their notes, to pay so many pounds sterling on demand; unless the promise be performed by the exchange of one piece of paper for another. I know it is an act of power, which cannot be resisted. But is it an act of justice? Is the legislature of this country, or of any country, competent to deprive a real creditor, who has lent or sold a real property, of all remedy against the borrower or the buyer, if he will not accept of an imaginary payment in paper? If the sovereignty of government were vested in a single person, and the same act were done by that person, by what name should we describe him? But the nature of injustice is not altered, much less is it mended, by the numbers who concur in it. This overflow of paper, in universal circulation, has another very mischievous and universal effect. It operates like a tax, grinding the community without benefit to government, by raising the price or nominal value of every thing saleable in every transaction between man and man. I say you must stop the progress of these enormous evils. In a considerable degree, they spring from one cause, and they admit of but one remedy. Oblige the Bank of England to revert to their principles, to make good their charter, and to pay their promisory notes in specie. I do not confide in general descriptions of national prosperity. In spite of all that can be stated of a rich flourishing country, the disappearance of specie is a symptom of real decay; and there is a second, full as formidable as the first. I mean the amount of the poor-rates. What are we to think of the circumstances and prospects of a little kingdom, in which six millions sterling are annually raised for the support of the poor, who live by contribution, because they cannot subsist, as they ought to do, by labour? Will no man look forward to the consequences? They are not far off. Will no man help to save the country? or is it to be admitted that, in this state of things, we have nothing to fear, but from the possible success of an impossible invasion? If it be true, that we still have plenty of wealth, and abundance of resources, a remedy for some of the evils I have stated, is now within reach, and ought to be applied. Let the bank resume their payments in specie. The exportation of bullion is not wanted on the Continent. We have no allies now, and I hope we have no subsidies to pay. This single act would correct many mischiefs, and stop many others; and the moment is favourable to the attempt. If it be impracticable, the case is desperate, and we may as well shut our eyes to it. This subject, sir, is not quite new to me in thought and speculation, though it is but lately that I have practically applied my mind to it. The most active part of my life has been employed in another department, in which I thought that my application and experience might have made me of some use. My right hon. friend (Mr. Fox) thinks otherwise, and accordingly he has dismissed and discarded me from that occupation. Up to the present time however, his public professions, repeated very lately in this house, would have supported any conclusion better than that, which he has drawn from them. "You are the fittest man in the world, and therefore I have taken special care that you shall have nothing to do with India." My answer is that, if India can do without me, I can do without India. My noble friend is now at the outset of a great career, in which he has already gained applause. For his own sake then, and much more than for his own sake, for the service of a country, that wants and cannot spare the service of such men, I conjure him to resolve to do right in the first instance, without regard to immediate obstacles. Acting resolutely on that principle, he will find his difficulties diminish as he proceeds. If he takes another course, if he yields to the pretences of immediate facility or to the seduction of present convenience, the real difficulties of his situation will increase and accumulate, until they must be encountered, and cannot be overcome. There is nothing so easy as the entrance into a labyrinth, and nothing so difficult as to find your way out of it.

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* "My intention is, to prove that an ill-concerted system of credit may bring ruin on a nation, although fraud be out of the question: and, if a nation be plunged into all the calamities, which a public bankruptcy can occasion, it is but a small consolation to be assured of the good intentions of those, who were the cause of it. On the 27th of Feb. 1720, an *arrêt* was published, forbidding any person to keep by them more than 500 livres in coin, (or £20 sterling.) This was plainly annulling the obligation in the bank paper, *to pay to the bearer, on demand, the sum specified, in silver coin.* On the 22d of May, a man might have starved with a 100 millions of paper in his pocket." Stewart's Political Œconomy, Vol. 2. p. 164.

Mr. Secretary *Fox* began by saying, that on the subject of his hon. friend's attention to the affairs of India, he could not be justly said to have deserted him, seeing that he had never given him any encouragement. He concurred in much of what had fallen from his hon. friend. He was ready to admit that he thought the provision respecting the exemptions productive of many inconveniences; but if that was not now for the first time introduced, but existed under the property tax act, it was not to be imputed to a defect in the system of his noble friend. There were some small annuities, which would be exempted, and others which would be entitled to an exemption only in part. On examination, it would be found that the arrangement proposed was not so very objectionable. For an illustration, he should consider only those who were exempted altogether: a person, for instance, might be in possession of an annuity granted by a nobleman or gentleman of fortune; it was only proposed that the amount of the duty should be deducted in the first instance by the person who paid it; and the annuitant would afterwards be allowed the full benefit of the exemptions belonging to his condition. The provision only required that the grantors of the annuities, which most of the nobility or men of great property usually were, should keep back the amount of the duty. The duke of Bedford and earl Spencer, as well as others, had many such annuities to pay. He had an opportunity of being acquainted with the difficulties that arose out of the manner of allowing the exemptions, from personal observations, and had stated the matter to the chancellor of the exchequer last year. It often happened, that poor persons, widows and others, possessed of small annuities, being entitled to exemptions, had to incur much trouble and expence in procuring their exemptions. He should abstain, however, from pursuing this subject further. His noble friend, he was sure, would give the subject his whole attention, and provide a remedy. It was a subject which, in a great measure, belonged to the consideration of the bill in detail. And when that subject should be under discussion, no gentleman could confer a greater or more essential benefit on his country than by attending and giving the aid of his advice, in order to render the exemptions as little liable to trouble or expence as possible.—The next thing his hon. friend had touched upon was the unfunded debt. The first impression on his own mind had been the same as that of his hon. friend; but first impressions were often wrong. At first view it would appear extraordinary that an income of a million should be exempt from the tax. But on consideration he thought the unfunded debt might be exempted from the tax without inconvenience or loss. Exchequer bills were liable to be at a discount or premium. Their being exempt from the tax, of course was productive of an advantage to the public, as the government could dispose of them at a higher rate. His first view had leaned to the opinion entertained by the hon. gent., but on consulting with persons better acquainted with the subject, he was convinced that exchequer bills might be exempted from the tax, without any inconvenience or loss.—The next subject alluded to by the hon. gent., was one of the highest importance, namely, the Sinking Fund. His hon. friend had said, that all ministers were fond of it. It was well known to his hon. friend, however, that ever since its first establishment, he had been a friend to it. As to the merit of the measure, God forbid! that he should dispute it with any man. When it was considered what vast additions had then recently been made to the public debt; it would not be doubted that any administration must, after the American war, have resorted to some such system. But when a man had done a thing, and done it well, he ought to be allowed, for he was justly entitled to, his full praise for having so done. The hon. gent. had said that the only effect of the Sinking Fund had been to keep the 3 per cents at 60; and if it had done no more, that was an essential advantage; it kept up credit, diminished taxation, and lightened the burthens on the people. Besides, whatever kept down the interest of money, must, in a commercial nation, be of infinite service. The hon. gent. would be sensible of this from a little reflection. It was a matter of calculation, and might easily be brought to the result. If he were to take into his consideration the vast loans that had been negociated during the last war, and reflect what would have been the value of the 3 per cents. without a Sinking Fund, he would be sensible of this. Without a Sinking Fund they would have been down at 50, or suppose that too low, at 54 or 55; and on such enormous loans, what would have been lost both in capital and interest to the public? He was aware that many great and able persons differed with him on this subject, but whatever respect he might have for their opinions, they had neither convinced him nor excited any doubt in his mind.—In the latter part of his speech, his hon. friend had touched upon a most important subject, which it was not then a proper time to discuss. It might and would, however, hereafter be a fit subject for consideration. He was certain that the right hon. gent. who established this system, had some such period in his contemplation at some future day. Whilst in a state of war, the subject could not well be discussed by them. When the country should be in a situation of greater prosperity, in the enjoyment of peace, it might be proper, on a consideration of the state of the debt, of the amount of the Sinking Fund, and of the other circumstances of the country, to fix some limit; after which, the progress of the fund should be applied to the reduction of the public burthens. Another argument of his hon. friend, which was not distinguished for his usual accuracy, was, that a part of the sinking fund might be applied to the service of the present year. Why, he argued, should the fund be continued at 8 millions, when at 7 millions it would and had before kept the 3 per cents at 60? But, was the debt the same at the time when the fund at 7 millions kept the 3 per cents at 60? It was his opinion that if any part of the Sinking Fund should be diverted from its present application, the 3 per cents could not be kept up to their present value. In general the house was disposed to indulge in great exultation when on the subject of our finances. For his own part, he was not disposed to give way to such feelings. He was sensible that our situation was one of great difficulty. They were in a situation to suffer heavy burthens themselves, and to impose them upon others. As to what his hon. friend had said about the provision for the poor, he thought it a subject deserving of investigation. That provision was a proof that there was something wrong in the system, that every thing was not exactly square, but did not warrant the deduction of the hon. gent. As to the remedy pointed out by his hon. friend, he perfectly agreed with him in his views on that subject, except that he did not think it the only remedy. He could see no reason why the issues in specie should not be resumed. He knew not what was intended on that head, but he must hear much stronger arguments than he had ever before heard, or his opinion would remain unaltered. He had thus gone through all the general topics touched upon by his hon. friend. As to what he had stated with respect to the property tax, he should only say, that his own great objection, and one which he had last year urged, was against the gradual increase of it. He thought it far better, that at the commencement of a war it should be carried to the full amount to which it would be necessary to carry it, than to increase it gradually. As he was on the subject of the war taxes, he should add, that the present administration found the system in effect. It would be madness in them to overturn it. It was his favourite plan, that at the commencement of a war, whatever war taxes should be thought necessary or desirable in the circumstances of the country, should be imposed at once for 4 or 5 years, to ascertain their operation, and not be raised from year to year. In this view the property tax now proposed had his complete approbation. The country wanted large taxes. He should not enter into the general merits of the budget, though he believed the taxes proposed by his noble friend were liable to as little objection as any other. He was sure his noble friend was entitled to his gratitude, and that of the country, for having undertaken the arduous duties of the office he filled under such circumstances of difficulty; and, though he assumed the office at such an age, what passed on a former night shewed, that he had not accepted of a situation to which he was not fully competent.

Mr. *Francis*.—My right hon. friend has been pleased to say, that, on the subject of my attention to the government of India and the affairs of the India company, he could not be justly said to have deserted me, because he never gave me any encouragement. I suppose he means that, being tired of the subject himself, at which I am not at all surprised, since no man could be more weary of it than myself, he thought it right to discourage his friends from persevering in that duty. This language, from any other person, would have more the appearance of a charge than a defence. He might possibly find motives for withdrawing from these discussions himself. Of that he is the best judge. But I defy him to state a reason, that will acquit him of all blame, for discouraging others, as he says, from giving their attention to so great a national concern as the government of India. Does he seriously mean that the situation of India ought to have been totally neglected, and by those particularly, who were best acquainted with it? For that purpose, the example was quite enough without the precept. But it seems he gave me no previous encouragement. Very true, within the last twelve months. But, even in that period, has he given me no subsequent approbation? And what is approbation of an act done, or of a course adopted, but an encouragement to proceed in it? I am not qualified to argue with him about distinctions, which neither of us understand. I adhere to his approbation, which I am sure he is too liberal and too honest to retract. On the 17th of January he told me in his own house and of his own accord, that he had now deliberately read my speech of the 5th of April 1805, with the same satisfaction, with which he heard it spoken, almost word for word as it is printed; that it was convincing and unanswerable, and that there could be no reply to it. My right hon. friend is not apt to give such commendation lightly. About the applause of such a man, if he were only my judge and not my friend, I cannot be indifferent. His praise is not only a reward, but a powerful incentive too to continue to deserve it.

Mr. *Fox* declared, with uncommon emphasis, that what his hon. friend had stated of his opinion of the speech of his hon. friend, was strictly true; that he adhered to it still, and never would he retract one word of it.

Mr. *Huskisson* did not think the advantageous bargains that were now made for loans ought to be attributed altogether to the sinking fund, but rather to the system of raising a great part of the supplies within the year. In the year 1798, the rapid accumulation of the public debt from the expences of the last war, rendered it necessary to act upon that wise and patriotic principle. In the year before that, a small loan could not be had on any better terms than an interest of 6*l.* 16*s.* 6*d.* though the sinking fund had been in operation long before that time. The sinking fund added 1 per cent. to the capital of the debt; but it had not then the effect the hon. gent. imputed to it, of keeping the stocks at 60. That public benefit was therefore to be imputed, in a great measure, to the system of raising so much of the supplies within the year.—With respect to the supposition that the interest on exchequer bills was not made productive to the property tax, he had to observe, that above half the outstanding exchequer bills were held by the bank, much to the public advantage, and of course did not escape the tax. The statement of an arrear of 5,800,000*l.* remaining from the last year had made an impression, as if the Ways and Means voted for that year had fallen unaccountably short, or the expences had far exceeded the estimates; as if his late right hon. friend had shrunk from his duty, either in concealing the extent and amount of the services, or in exaggerating the probable produce of the public income. The deficiency in the land and malt was a regular and annual thing ever since the land and malt duty had been voted; therefore it was not to be charged as an unaccountable arrear in the estimates of the last year. The extra charge for ordnance was also an annual thing; the deficiency under this head in the last year, though so much as 561,000*l.*, was short of the average deficiency. The amount of this deficiency in the preceding year was 693,000*l.* It was probable a deficiency to the same extent would occur at the close of this year, and the noble lord would do well to prepare himself to expect it. It would have been more correct, to have stated the charges which had been inaccurately, he was sure not invidiously, described as arrears, rather as extraordinary charges, not likely to occur again. Such was the million to the East-India Company: such the provision for lord Nelson's family, an instance similar to which had occurred but once in the last century; such was the remuneration for the loss of the ships taken in the battle of Trafalgar, in which every one would readily concur.—Next, as to the subsidy. The statement of the noble lord, in speaking of the million required by him for this head of service, gave it to be understood, that the 3,500,000*l.* voted for the service, had been previously expended. The fact was, however, that there was on the 5th of Jan. last, 1,080,000*l.* of this sum in the exchequer, 500,000*l.* untouched at Malta, and 200,000*l.* at Hamburgh. And though 1,000,000*l.* of what was in the exchequer had been since appropriated to navy services in the early part of this year, it was not right to demand a fresh million without an explanation, as if the original grant had been expended under its proper head in the last year. The only case in which it could be charged, was the falling off of the consolidated fund. But it was probable, from the receipts of this quarter, that the surplus of 4,000,000*l.* would be realized. The latter, which had been calculated at 300,000*l.* had produced 380,000*l.* It would tend much to give a fair view of the grants and expenditure of each year, if the accounts of both were made up to the same period, and the balances on hand carried to the credit of the next year, and the outstanding demands to the charge. At present the year of service ended on the 5th of Jan. and the year of receipt on the 5th of April following. He supposed this practice had originated in some years of great charge, when it was an object to have five quarters of receipt to meet the form of expenditure; but in fairness both ought to be reduced within the same limits, and he meant shortly to submit to the house some resolutions to that effect. The grants now voted were large; they were for the service of a whole year, and a great part of that year had already elapsed, and the charges incumbent on it had been in many respects defrayed. Without entitling the present administration to much credit for the economy of which they boasted, the grants now passed ought, under these circumstances, to carry them far into the next year. He had offered these observations not with a view to oppose the noble lord's propositions, but to do away a wrong impression with respect to his late right hon. friend, the noble lord's predecessor. He complimented the noble lord on the vigour with which he called forth the energies and resources of the country, at a period requiring so much exertion. He congratulated the country on its resources being such as to preclude every idea of compromising its honour for a false and precarious security. We should not, he said, trust for our security to any thing but our own strength and our firmness, never building on that delusive forbearance, to reckon upon which was a confession of weakness, and to that foolish confidence, in which too many of the once independent nations of the Continent had fallen victims.

Lord *Henry Petty* said, he had not described the deficiency it was necessary now to provide for, as having occurred last year, but as being to be provided for at the end of the last year. He was sorry he had not been in the house on Saturday, when some discussion arose on this point. He had hoped that the explanation given that day, and the time afforded for reflection since, would have prevented the subject from being renewed on Monday. If he had meant to make a matter of charge of this arrear, he would not have enumerated the items of it, nor explained how it had arisen: he would have brought it forward in the aggregate, and included in it, as he might have done, much of the charges he had comprehended in the Unfunded Debt. He should state the arrears of grants for the service of the last year remaining on hand, 5th Jan. this year, and the demands outstanding against them, and in doing so he should still think himself justified in what he had said on a former night with respect to the treaties. He might even have put that in a stronger point of view, for the calculation was made in the prospect of success, and the provision which was not more than sufficient in the event of total failure, must have fallen far short in the event of the expected success. He then summed up the balances of grants on hand, on 5th Jan. which amounted to 2,655,803*l.*; and the demands outstanding against them, which amounted to 7,449,400*l.* being an excess of demand of 4,793,597*l.* He had merely stated, that these demands were outstanding, and to be provided for. The right hon. gent. who had preceded him, would have felt it his duty to act in the same way, under the same circumstances. If arrears were to be provided for, he would have felt the propriety of stating them to the house, as he had done; explaining the nature of them; and shewing, that they were not likely to recur again. The hon. gent. expressed a hope that the grants now proposed would, with the economy proposed by his majesty's present ministers, cover the expences for a long period. He joined the hon. gent. in that hope; but he had to observe, that the estimates now brought forward were principally such as had been found in the offices. The late chancellor of the exchequer had introduced the system of war taxes with great effect; but like every thing else, this system was less perfect in the beginning. Now the tax was made to bear on double the number of persons; not poor persons, but persons well able to pay, but whom it had been in vain attempted to charge under the present acts. He owed it to the noble lord (Sidmouth) who had introduced the property tax, to say, that he had revived this great source of revenue after it had been absolutely worn out. The income tax had been mortgaged for 11 years to pay the interest of debts contracted during the late war. The noble lord had transferred these mortgages, and the tax on property was found a great and unincumbered resource at the commencement of the present war. The only alteration that was made now, was to remove the great difficulty that was created by the exemptions, and to allow the commissioners the proper means to make the tax productive. It was an object equally attended to, to afford the relief formerly granted by the exemptions with the greatest possible care and convenience. The small annuitants who were the first objects of this care, would have only to go before the next magistrate, and exhibit their proofs; the magistrate would immediately grant the certificate, on the transmission of which the commissioners would immediately refund. Small tradesmen would be considered in the next degree to small annuitants; all those who had least means of repairing any loss, would be the first considered.—With respect to the observations of his hon. friend on the restriction of the cash payments at the bank, he agreed that things could not be said to be in their proper situation as long as that restriction continued: but our situation was very different from that of France at the time of the Mississippi scheme. With respect to the Bank Restrictions, said the noble lord, I perfectly agree with my hon. friend, that they should not be continued longer than necessity requires, and that their removal should be constantly held in view. The Bank directors have not, on this subject, received any pledge from his majesty's ministers; and I must own that their resuming their payments in specie would give myself, for one, a more cheering idea of the increasing prosperity of the country. With respect, however, to the sinking fund, I cannot agree with my hon. friend; and the very argument which he has held against it is, with me, the strongest in its favour. If its effect be to keep the 3 per cent. consols at 60, surely this is a positive advantage to the public, and in more ways than one. It keeps down the interest of money, enables government to make loans on more advantageous terms, and supports that confidence and credit which is so essential to the well-being of this great commercial nation. My hon. friend asks, why not apply it to the diminution of the burthens of the people? I will give him an explicit answer. It is for the same reason that I would not expend my capital on my subsistence. In the one case as in the other, I would look forward to the enjoyment of the same supply, and the same support, 20 or 30 years hence. I allow that there is a relative proportion between the sinking fund and the national debt, which it may be useful not to go beyond; and this the right hon. founder of it, I believe, had in contemplation; but it will be some time before that proportion can be established, at least while we continue under the necessity of being so frequently at war. The sinking fund I regard as a pledge of public faith, which ought to remain untouched, and almost unlooked at, and kept sacred for that single purpose for which it was originally instituted. It is this eminent regard to principle, which has always upheld the character and the power of this nation, and will long continue to uphold them. I have to regret that, notwithstanding every exertion that can be made, the taxes must inevitably fall heavy on some parts of the community. All that I can promise, for myself, is, that I shall, in one respect at least, follow the advice of my hon. friend, of listening to all quarters and to all persons, and particularly to one so respectable as my hon. friend himself.

Lord *Castlereagh* rose and spoke as follows:—Sir; I am desirous, on the present occasion, of troubling the house with some general observations on the financial arrangements for the year. Approving as I do of the principle upon which the noble lord has framed his budget, namely, that of making an effort to raise a further proportion of the supplies within the year, and not seeing any prominent grounds of objection to the particular taxes he has proposed, I have been solicitous to reserve any points of difference till a later stage, when I might state what occurred to me more particularly, in objection to the very unusual course parliament has been called on to adopt on the present occasion, viz. that of determining on the ways and means for the year before the army has been voted; I am not wishing to interrupt the unanimity which it is my wish should prevail on the main question.—So far as this manly and wise policy, which the noble lord has acted upon, can carry with it any degree of impopularity, I shall be most ready to share it with him, and deem it due to him distinctly to express my persuasion that, had the late government continued in office, the people would have been called on to submit to burthens of equal magnitude.—Before I proceed to the point to which I principally rose to advert, I must shortly take notice of what has this night fallen from the noble lord, imputing to my late right hon. friend (Mr. Pitt) the not having made an adequate provision, in the course of the last year, for the public expenditure; the noble lord having to-night disclaimed any intention of charging, as matter of blame to the right hon. the chancellor of the exchequer, the not having provided in the ways and means of last year for the 5,800,000*l.* which in his first statement his lordship denominated as arrears; and my right hon. friend (Mr. Huskisson) having clearly explained to the house, that this sum consisted entirely either of temporary and incidental charges, totally unconnected with the service of last year, or of charges the provision for which by the constant practice of parliament ought to be made in the present and not in the past year, I have nothing further to add on that subject, the apparently injurious tendency of the statement having been sufficiently explained and disavowed.—It is only now necessary to notice the charge made by the noble lord on this night, which appears to me not less unfounded, though deliberately brought forward. He has attempted to found a similar charge of defective provision, by comparing the unexpended grants of last year with the demands outstanding and unprovided for on the 5th Jan. 1806. In stating the unexpended grants, he has undervalued, I apprehend, the amount, by not giving credit for 890,000*l*, under the head of army in Ireland, and 500,000*l.* under that of vote of credit, transfers to navy, and other items, which will carry the remains unexpended of last year considerably above 3,000,000*l.*, against which I am not aware of any charge which can be considered in fairness as a set-off, except the arrears of subsidy of 1,000,000*l.*—The noble lord's demands outstanding are composed of claims not demandable, and which could not be paid if the funds were forthcoming, viz. of an increase of 2,600,000*l.* navy debt, being wages, &c. owing to the crews of ships on foreign service; a description of demand which must accumulate during a war. The remainder are demands under the head of army ordnance, and barracks, preferred, but not examined or allowed, and consequently not in a state for liquidation. It is obvious that claims of this description, varying in amount, must remain a floating charge from one year to another. It never has been, or ought to be the practice of parliament, to provide for demands in this shape where there was no special ground to suppose that payment could be made on them within the year. The provision has always been framed upon an estimate of the probable charge, strictly so called, of each year respectively; and the funds of the year have been applied to defray such charges of the last, as could not come into a course of payment till the current year, leaving the corresponding demands to be issued in the following year.—The noble lord has chosen to make his attack on grounds which will furnish the same means of convicting himself, and hereafter indeed every past or future chancellor of the exchequer who does not think fit to waste the public money by raising a larger amount within the year than can possibly be applied.—I shall close this part of the subject by observing, that the ways and means of last year unexpended, will, I am persuaded, be found very largely to exceed any demands that can fairly be set against them; and I therefore hope the noble lord will be prepared in a future year to distinguish the actual amount from what he now raises, and account for the whole, before he takes credit for any peculiar economy, if it should be found that a large sum remains unexpended at the close of the year.—I shall now proceed to state my objections to the course of our proceedings, not with any view to impede the grants in progress, but to take such notice of what appears to me to be a serious departure from the constitutional practice of parliament upon no case of necessity or adequate expediency first stated to the house, as may protect us hereafter against the repetition of so injurious a proceeding.—The noble lord has endeavoured to contend, that, provided money raised upon the subject does not pass from under the controul of this house, and provided the votes in appropriation of such monies to particular services do not exceed the quantum of supply previously voted by the house, every requisite principle is satisfied. In this I must differ from the noble lord. There are two principles in themselves perfectly distinct; the one, that the public money shall not be applied without the express consent of parliament; the other, that parliament shall not burthen the people unnecessarily, and consequently shall neither by loans or taxes, impose burthens in a committee of ways and means till the necessity for them has been ascertained by previous votes in the committee of supply.—In support of this doctrine, founded equally in good sense as in parliamentary usage, I beg to read to the house the opinion of Mr. Hatsell:—"The object of the committee of ways and means is, as is expressed in the title of it, to find out "modes of raising the supply which the "house, upon resolutions reported from "the Committee of Supply, and agreed to, "have granted to his majesty; and the "first consideration attending this proceeding is, that the money proposed to "be raised upon the subject by loans or "taxes, or any other mode, should not "exceed the sum already granted in the "Committee of Supply. It is for this "reason incumbent upon the chancellor "of the exchequer, or whatever member "of the house of commons proposes the "ways and means for raising money for "the service of the current year, to explain "and shew to the house, by a detail of the "sums granted for the several services, "that the amount of those sums will be a "sufficient justification in point of quantity, to the committee of ways and means, "to adopt such measures and impose such "taxes, as shall be then recommended to "them; and this proceeding (arising out "of that regard and attention which the "house of commons ought at all times to "shew towards the people, that the burthens imposed upon them may not be "larger than the public exigencies require) "ought for this reason, if for no other, "to be most strictly adhered to."—Such being indisputably the true principle, I am not one of those who will ever contend, that what was meant as a protection and security for the people, shall be rendered prejudicial to their interests by its unqualified and strict application in all cases. I am ready to admit that a rigid adherence to this principle has not and cannot in all cases be observed; but what I do contend is, that a departure from it to the extent now proposed, and upon no assigned ground whatever, cannot possibly be justified. The surplus of the consolidated fund, which it is the policy of parliament, for many reasons, to uphold, is a small departure from the strictness of the principle. The imposing war taxes to the amount hitherto of fourteen and now of twenty millions annual produce, is certainly a greater; but still this is keeping largely within the obvious and necessary expenditure of the year, and is adopted upon distinct consideration of the wisest policy.—But when the noble lord proceeds to raise the entire residue of the funds for the year, before the house has determined on the amount of the army; when we are called upon to assume that what is now to be entirely new-modelled is to cost neither more nor less than the exploded and condemned army of last year, and this upon the mere personal *dictum* of the chancellor of the exchequer, without even an estimate or account being laid on the table, it must be admitted that we are surrendering our judgment, and proceeding merely upon confidence: the possible inconveniences are obvious; supposing the noble lord should have taken 5 millions more than the house may hereafter think fit to vote in supply, the people are in so much unnecessarily burthened. Supposing he should have taken 5 millions less than, in the view of parliament, the public exigencies may require, can he, after having made his loan and taught the contractors to expect, if not given them a pledge, that no more money would be raised, provide the necessary means with the same convenience and advantage to the public? The noble lord not having offered a single observation to the house to justify this proceeding even on grounds of expediency, I can only state, that those which obviously suggest themselves as having occasioned it, are not in my judgment, as at present informed, satisfactory; and first, the delay of the right hon. gent.'s plan for the reform of the army. It will be for us hereafter to judge how far this mighty change, which is to throw our financial as well as military system out of its course, was called for either by the defects of the existing system, or the merits of that which is to succeed it.—The other explanation which occurs is, the possible wants of the treasury as necessitating this early loan, on the policy of contracting for which at the precise period it took place, I shall feel it my duty to state some doubts. How long the exchequer could have carried on the public service without this aid, it is not possible for me with precision to judge; but I have the noble lord's own authority for supposing that no money was wanting sooner than the 18th of April, that being the day on which I understand he at first stated to the contractors, that he should be satisfied to receive the first instalment. Having determined to make his bargain on the 30th March, and having declared to parliament his purpose of opening his budget on that day, upon learning from the contractors what was in itself pretty obvious, that this long interval, wholly unexampled in contracts for loans, was extremely objectionable to them, as leaving them altogether at the mercy of their subscribers, in case of any intermediate fall in the market, his lordship was obliged to change his plan and take the first payment on the 6th April when the market is peculiarly unfavourable for such an operation. The bargain made is certainly in itself an advantageous one, generally speaking, for the public; but as terms are relatively good or bad, I am not prepared to say that somewhat better terms might not have been obtained, if this first instalment of 2,000,000*l* had been to be paid in at the time the noble lord first intended, and subsequent to the April dividends amounting to 6,000,000*l*. had found their way into circulation.—I am sure, if either by accelerating the estimates for the army, or postponing the making the loan, the business could have been conducted in its usual course, the house ought to have been saved from the painful dilemma in which it is now placed, of either appearing to impede the provision for the public service, or adopting, for the first time since the revolution, a course of proceeding in breach of the most important maxims of parliamentary practice; for although the house has frequently permitted the chancellor of the exchequer to provide for probable expenditure not admitting of precise estimate, such as army extraordinaries and subsidies, though not previously voted in the Committee of Supply, they never did deliberately before acquiesce in his providing for the army at large before the estimates were considered and voted in the committee of supply; and I trust I have stated enough to the house to protect us against a recurrence to such practices in future.—Before I sit down, I cannot avoid shortly adverting to the gloomy picture drawn by an hon. gent. (Mr. Francis) early in the debate, of the declining and impoverished state of the country. I am perfectly ready to admit that the people are necessarily called upon to submit to heavy burthens, but I can by no means subscribe to his opinion that they seem likely to sink under them. The hon. gent. has had recourse to the poor-laws, and the sum annually applied to this purpose, as a proof of our poverty. It is rather a singular mode of proving his proposition, to refer to a system which has grown out of the affluence and liberality of the nation, and which, however liable to abuse, is generally considered as justifying a very different conclusion. In stating the increase of this charge, he seems to forget, that without any increase in the proportion of the poor receiving relief to the other part of the community, they must increase in number as the population advances, and the charge of relieving the same number of poor must also increase in proportion as all the articles of food, &c. advance in price.—I certainly do not deny that the pressure of taxes is severe, but I do assert that it is not such as to check or disturb in any respect the industry, and consequently the prosperity of the country. —If the hon. gent. wishes to know what an impoverished and declining country is, let him refer back to the period when my late right hon. friend (Mr. Pitt) first took charge of the finances of the country in 1784. The manufactures and commerce declining in proportion as burthens were imposed, even new taxes counteracting those in existence, and the whole falling short in produce of what they were taken at, and with difficulty providing for the permanent charge of the debt.—We now find, notwithstanding the taxes are since increased so much in amount, that both the old and new duties are increasing every year in amount, that hardly a tax has been laid which has not exceeded the estimate of its produce, and the documents before parliament indisputably prove, that our agriculture, manufactures, and commerce are extending themselves rapidly even in the midst of war.—We have also in later years been able to adopt the salutary principle of raising a large proportion of our supplies within the year (including the war taxes now proposed) to an extent nearly of one half of our war expenditure; an effort which could only be made by a country both highly affluent and prosperous, whilst the sinking fund, already amounting to about eight millions a year, gives us every reason to hope that the moment is not far distant when the comparatively small increase of debt which now takes place may be prevented even in war, and its rapid liquidation looked to with confidence on the return of peace.—The noble lord well described the value of this institution to the public on a former night, by stating it as his persuasion, that, had the sinking fund on its present principles not been established in 1786, we must ever since have made our loans on terms so ruinous as to have incurred an annual charge for interest alone fully equal to what now covers both the interest and sinking fund of the public debt. It may therefore be fairly said, that a perpetual annuity of 8 millions a year has been thereby saved to the nation, which after liquidating the principal is revertible to them.—The justice and gratitude of parliament have left nothing to his friends to desire on this head, but surely a prouder monument was never raised by the wisdom and exertions of an individual to his own fame, than this single measure, established and inviolably adhered to through times of the utmost difficulty.—Can it, then, be said that the country does not exhibit at this moment the most convincing signs of wealth and prosperity? If the people are heavily burthened, they bear it with fortitude and good will, because they feel it is the necessary consequence of the efforts which they are called upon to make for their own preservation against the common enemy. Heavy as the pressure is, can the hon. gent. recollect any period in the history of the country when discontent was less apparent, or when the nation submitted with more marks of manliness and even satisfaction to every sacrifice the public exigency has imposed? Never did any ministers succeed to a government when that greatest of all resources and support, namely the public mind, was in a more happy temper to aid them in surmounting the difficulties with which they have to contend; never did any ministers find the country on their coming into office more truly prosperous, its revenue more productive, or its credit higher. That such was the state of the navy I am sure they will not deny, and I shall be prepared to maintain, when that subject comes regularly into discussion, that the same may be asserted with not less truth with respect to the army. Finding all the main features of our national strength thus vigorous and entire, I trust they will continue to administer them upon those principles by which they have been hitherto preserved, improved, and upheld. The noble lord has done himself honour by the course he has pursued in his present budget. The despondency of the hon. gent. will not, I trust, discourage him from continuing to tread in the path which his predecessor has marked out for him. So long as he perseveres in doing so, and as it shall be the principle of the government to maintain with firmness that system upon which their predecessors have acted, the noble lord will find me anxious to smooth his difficulties and to afford him my cordial support.

Mr. *Vansittart* observed, that the general approbation of the plan of taxation of his noble friend rendered it unnecessary to say much on the outline of it; and it must meet the particular approbation of those who admired the system of the late right hon. chancellor of the exchequer, inasmuch as it was following up his system of war taxes—a character for whom he had the highest respect, and whose loss he, in common with the house, deplored. He admitted, also, the high authority of Mr. Hatsell, whose book had been quoted by the noble lord on the other side of the house, the effect of which was, that the Ways and Means should never exceed the supply. That was perfectly constitutional doctrine. But the answer to the noble lord who had made that quotation, from that most undoubted constitutional authority, was, that, in this case, the Ways and Means already voted did not amount to the supplies by several millions, when the matter came properly to be explained, in a constitutional sense; because none could be called taxes, among the ways and means, until they were appropriated by parliament; and in that sense the supplies already voted exceeded the ways and means by several millions. As to voting the ways and means before the army was voted, it must be recollected, that we had an army estimate already voted for 5 months; and as to that which was now proposed, there was a precedent for it in the vote of the navy in the year 1802, when a vote was first for four months, then for two, and then for the remainder of the year; upon which occasion he had the honour of moving the resolutions, which he read now to the house to confirm his statement. He then proceeded to shew the advantages of applying the system of war taxes to the exigency of our affairs, the effect of which was almost incredible, and for adopting which his noble friend was entitled to a proportionate share of credit. This was a system which commenced with the late war; he would venture to assert the effect had been, that, at the close of the present war, there was a saving to the public of 80 millions of capital, and about 3½ millions of permanent taxes; and if adopted at the commencement of the war preceding, the public would have been relieved of 200 millions capital, and 8 millions a year permanent taxes; and thererore there was no difficulty in agreeing to his noble friend's system of war taxes, for the purpose of preventing the accumulation of our debt.

Mr. *Rose* maintained, that notwithstanding every thing which had been endeavoured to be argued to the contrary, the noble lord had certainly violated the principle of the constitution of this country, as established in the system of proposing to the house of commons the ways and means of the year; because he had proposed the ways and means before the amount of the supplies were known, which must be the case until it was known what our army was to be. It was said, that the produce of the war taxes were so appropriated, that they could not be diverted from their intended purpose; but it was not so in point of fact; for as to appropriation, the moment these taxes were voted, they were as much under the will of the lords of the treasury, and at their command, as any other sum of money voted by parliament for the public service; and therefore this measure, as far as it went, was a direct violation of the constitutional principle, which provided that the ways and means should not be voted until the whole of the supplies were known; and this was done without any ground whatever for it. These ways and means should never be voted before the army estimates had been voted in a committee of supply; it never had been done in any instance since the revolution. He must repeat, that the thing was never attempted before, since the revolution, except in the instance quoted by the hon. gent. who had just spoken, and which he stated to have taken place on his own motion in 1802, which ought not to be considered as a precedent, for it was a thing of which the house did not happen to take a proper notice, and it was hardly right for the hon. gent. to be the author of a bad precedent; and this shewed the propriety of the house never enduring the same unconstitutional measure again; and this was all he should say on that head, except expressing a hope that such a thing would never be attempted again by any minister. As to the taxes, he desired to be understood as not intending to throw any difficulties in the way of government; for he had no wish to oppose one of them, nor should he do so when the bills were brought in; he thought it right, however, that the noble lord might hear what he had to say upon them; then he might turn them in his mind in the course of their progress, and judge how far any of his arguments ought to have any weight. In the first place, the tax on wine, he was confirmed, would not produce what it was estimated at. It was proposed to be made permanent for the war by Mr. Pitt; but he did not apply it to the payment of the interest of the debt, altho' he considered it as made permanent as a mere war tax; it had increased at first, but had fallen off: and he was aware it would not produce what it was taken at. He spoke from documents which could not mislead him on this subject; he believed, that instead of taking it at 500,000*l.* it would be wiser to take it at 300,000*l.* The tax on iron was one which Mr. Pitt had in contemplation; but it would have the effect of diminishing the produce of other articles. He spoke on this subject from the best information; for he had, under the direction of Mr. Pitt, possessed himself of information from every furnace in the kingdom; and the papers were at the service of the noble lord, as was every other information he possessed; for his object was to serve his country to the utmost of his power, and not to thwart any measures taken for its support. As to the tax on appraisements, that had also been proposed to Mr. Pitt, but it had been given up as a thing likely to be too unproductive to be entertained. With regard to the tax on tea, there were really serious objsctions taken to it by Mr. Pitt, particularly on the lower sorts of it, for it was, in general, used with the poorer sort of people, and this he knew from personal experience; he knew that the mass of the poorer classes not only took tea morning and evening, but also very often for their dinner; and this made Mr. Pitt very unwilling to make it the subject of taxation. As to the article of tobacco, it would produce a great deal of money, for there was a large consumption of it; but here, again, it should be remembered, that the value of the article itself was about 6*d.* a pound; there was already a duty of 1*s.* 7*d.* upon it, and this additional 6*d.* would make the duty four times the value of the article, a great temptation to smuggling, certainly; the facility to which was the greater, as it was an article easily carried on horseback. There were many other observations which he might make on other articles of taxation proposed by the noble lord; but he should not make them, because his object was to lend all the aid in his power to government, instead of obstructing it. He then proceeded to observe, that until lately, that is, long within his own memory, no attempt was made to bring the public accounts of this country into any thing like form or system. He wished the house to understand the situation in which Mr. Pitt found the finances of this country, and the situation in which he left them. A committee was appointed some years ago, at the head of which was a very respectable gentleman, Mr. Pitt, afterwards lord Camelford; and other men of the first talents, and to whom the house looked up, were on that committee,—the member for Salisbury, and the member for Hertford; and an investigation of the public accounts was then set on foot. That committee reported to the house the taxes then imposed, and the produce of them; and as they thought it an object for the house to consider, whether the taxes of that year had any effect on former taxes, they called for an account of the other; but what was most surprising, they did not cast up the totals, and compare the taxes of the year with those which had preceded them; if they had, they would have found that the taxes of that year amounted to one million less than those of the preceding year, although 700,000*l.* had been added to the taxation of that year; this was in the year 1782. But when Mr. Pitt came into power, he put the finances into a regular state. The first step he took was to move the house, for a committee to consider the state of the finance of the country, and to bring it into a proper method; the chairman of the committee was a noble lord (Grenville), now at the head of the treasury, a more fit person than whom he did not believe existed, either for that situation, or the present exalted one which he now filled, and whose appointment gave him sincere pleasure. Under that noble lord, was made a report, which brought forward the true state of the finance of the country, and the country benefited much by the labours of that intelligent committee. At the end of 6 years, another committee was appointed, at the head of which was lord Harrowby, whose labours were also abundantly useful. At the end of six years afterwards, another committee was appointed, in which the present speaker of the house of commons presided; and he should not be suspected of flattery when he said that of all the reports he ever saw, this was the best, and indeed it would have done credit to the wisest man that ever considered the subject of finance, and by which any man of common understanding might understand the subject of the finance of this country. All this was under the auspices of Mr. Pitt, and was highly creditable to his memory. As to the subject of the civil list, he was sorry that what the noble lord said on that subject had made the impression which it did, for he was confident the noble lord intended nothing unfavourable from that quarter to be felt by the house, and indeed the arrears had arisen from causes which were unavoidable; and it was not to be forgotten that his majesty had, of his own royal grace, given to the public one million, which was entirely his own. As to the subject of poor-rates, which had been brought forward, and stated at six millions annually, he was not aware that the subject was to have been mentioned, otherwise he would have turned, in a minute, to an exact account of it; he could however, assure the house, from a recollection which did not deceive him, that the amount was not quite 5 millions; a large sum, however, he admitted, but which might be considerably diminished by finding out employment for paupers; this was an interesting subject, worthy of great attention; he had turned his thoughts a great deal to it. An attempt had been made to provide a remedy; but the party endeavouring had aimed at too much, and met the fate of those who aim at too much; the subject, however, should not be despaired of, but pursued, for he was confident that much amelioration was practicable in that system. He then took a view of the sinking fund. The first person who applied a sinking fund to the finance of this country was lord Oxford, when he was a commoner, and so much applause attended him for that measure, that in his patent of peerage it was stated, that he was created a peer for it. It ended, however, in the South-sea bubble, after 500,000*l*. had been laid out upon it. The next application of a sinking fund was by sir R. Walpole; but afterwards he delivered it up in the time of peace, after it had paid one million and an half; but the real sinking fund deserving that name, was the sinking fund of Mr. Pitt; it might be said to have been invented by him. It was said by the right hon. gent. (Mr. Fox), that after the American war, any administration, whatever the plans of policy it might have entertained, must have adopted a sinking fund. He did not know what any administration might have done; but this he knew, that nobody ever did it as it should be done but Mr. Pitt, and by which he furnished this country with a permanent revenue out of that which did not deserve the name of a revenue; for when Mr. Pitt came into power, the finances of the country were only just sufficient to pay the interest of the debt, leaving nothing for any other expenditure: and in two years from that time, which was from 1784 to 1786, Mr. Pitt established a sinking fund of one million, which he kept sacred, until by its immense effect every man had become its admirer. Having said so much on these topics, he should make an observation or two on others, and that by way of dispelling all ideas of gloom as to the situation of our affairs, and for this again we were indebted to Mr. Pitt, for, during his administration, the number of the ships of the enemy taken by us were actually more than the whole number taken before that time, since the revolution, notwithstanding the wars in which we had been engaged, and in which we had acquired so much glory. Putting them all together, they would not amount to what had been done in the administration of Mr. Pitt, in which no less than 110 men of war had been captured, and the possessions of the French had been taken in the East and West Indies: almost all their colonies had become ours. We had never once been defeated in any one engagement, but had been victorious every where, our arms triumphant in every part of the world. All this during the administration of Mr. Pitt, and all this while too our revenue was in a condition infinitely more flourishing than ever, and was made the astonishment of the world, as well as the state of our trade and commerce; and our navigation extended beyond the example of any nation on the face of the globe. He said these things as the due reward of Mr. Pitt. He did not say that the situation of the present chancellor of the exchequer was not arduous; he knew it was so, but it should not be increased by any captious opposition by him; on the contrary, he should be glad to assist him in every thing in his power; and he believed he possessed some information which might be useful to that noble lord on many of the topics to which he had been alluding. He could not, however, do better than follow the system laid down for him by his predecessor in office, Mr. Pitt. He wished the present administration to thrive; and he wished that, at the end of their career, whenever that might be, they might be able to render to their country as good an account of their labours in its service, as had been done by Mr. Pitt; and an higher honour they could never obtain; that they might obtain it, was his hearty wish.

Lord *Henry Petty* explained what he said on the subject of the arrears of the civil list, in which, he said, it was in the recollection of the house, whether he did not most distinctly state the arrears of the civil list to have arisen from matters which were unavoidable, and whether he had not also stated his maj.'s gracious disposition in bringing forward a million to the public service.

Mr. *Long* trespassed upon the time of the house but to reply to an allusion made by a noble lord, in an early stage of the debate, that he (Mr. L.) had made a charge against that noble lord, in his absence on a previous evening, of unhandsomely and unjustly attributing to the late chancellor of the exchequer the leaving great arrears of revenue to be provided for by his successor. He had made no charge of illiberality against the noble lord, but had merely attempted a vindication of his predecessor. The arrears which now presented themselves in the public accounts, were not the accumulation of last year, but arose from deficiencies that had been regularly carried forward from year to year, and the amount of which had been, in most years, increased by additional items; though at the present time, they were not larger than the outstanding demands of last year.

Mr. *Johnstone* expressed his apprehensions that neither the financial estimates of the noble lord would be so productive, nor the expences of the war so limited as his statements alleged. He well remembered that, in a former year of the war, a right hon. gent. now a noble peer (lord Sidmouth) had stated to the house, that, under the aid of the sinking fund, the war might be carried on at an annual expence of 27 millions, without additional burthens on the country; and yet experience had shown, that it exceeded that estimate by nearly 20 millions. He observed, that the debate of this night was for the most part a debate of paradoxes; but the most extraordinary of them all was the argument of the right hon. secretary (Mr. Fox) in respect to the property tax, namely, that the people would be better pleased to carry up the impost to what he was pleased to call "its natural limits," and be taxed ten per cent. at once, than have the charge gradually increased every year; but he believed, if the right hon. gent. had spoken this night from that side of the house where he had been so long in the habit of maintaining other opinions, even with the whole force of his great talents, and all his powers of eloquence, he would have found the strength of language sinking under his exertions, in ridiculing such an argument coming from any minister to whom he might have been opposed.

Mr. *Hiley Addington* rose to express his astonishment at what had fallen from the hon. member, in allusion to a declaration made upon a former occasion by a noble relation of his, not now present to defend himself; more especially as he recollected that to a similar mistake of that hon. gent. upon the very same ground, his noble relation had given an explanation totally different, and such as he conceived satisfactory, and corrective to the hon. gent.'s mistake. On the contrary, his noble relation had said, that if the expences of the war did not exceed 27 millions a year, that then he should be enabled still to continue the reduction of the public debt by continuing the annual contribution to the sinking fund, without any additional burthen on the country. But it was impossible for him to say what should be the limits of expenditure in a war of such indefinite magnitude.

Mr. *Sturges Bourne* made no opposition to the taxes proposed, but thought one argument of a right hon. secretary, in respect to the property tax, rather extraordinary, and the very reverse of what he always conceived to be that right hon. gent.'s opinion of that tax. He had always understood him to have been averse to the tax altogether, and thought he recollected him to have called it "an inquisitionary tax," or some such epithet. He understood him last year as having violently opposed a small increase of the tax; but never till that night, did he understand the right hon. gent.'s objection to that increase, merely because it was too small; or to the tax itself, only because it was not doubled in the first instance, in order thus to render it more acceptable to the people.

Mr. *Ward* begged the noble chancellor of the exchequer, to explain one expression in his statement, on a former night, respecting the subsidiary treaty, which he stated to be so complex and indefinite, as not to afford the means of ascertaining its extent, or whether the million, which he claimed as an arrear on that account, was sufficient. The hon. gent. declared, that, in his mind, nothing could be more clear and simple, than the terms of the treaty. It stipulated to allow to our allies, 12*l.* 10*s.* per man, for every man brought into the field, and British pay from the time they quitted their own frontier till they returned to the same. Possibly the noble lord's difficulty arose from his not being able to ascertain what number had returned to their own frontier; or that the commissaries who, as it was stipulated, should attend and ascertain the number of troops in the field, had not so attended; otherwise he could not understand where the difficulty lay.

Lord *Henry Petty* answered, that the terms, as expressed in the treaty, did not afford the means of a clear elucidation.

Mr. *Brooke*, agreeably to the notice he had given on Saturday, rose to oppose the tax on sugars, and said, that on whichever side of the house he might sit, he should always oppose every tax that appeared to him oppressive on the commerce of the country, and such he conceived to be that now proposed on Sugars; and which, he was convinced, must fall on the planter, and not on the consumer; for, from the first tax imposed this war, through all the successive increases, and up to the present proposition, which was to complete a rise of the duty to 10*s.* per cwt. the gazette prices of sugars had fallen, instead of being raised thereby, so that the loss fell wholly upon the planter, who was willing to pay as much as any other subject towards the war, but by this means would pay infinitely more.

Mr. *Vansittart* admitted, that sometimes under the circumstances of a glutted market, and no foreign demands for sugars, this was the complexion which the circumstances of the sugar trade bore. However he promised that some investigation should take place, and that he should move for an account of the average gazette prices of sugar for some years back, in order to form an accurate estimate of the facts.

Mr. *Babington* contested the justice of the tax on property. It would be impossible for men of small incomes to set themselves right without infringing on their capital. Nothing he believed would be more difficult than to persuade people in the country, of the propriety of compelling a man who had 50*l.* a year to pay a tax of 5*l.* while a man of 45*l.* a year wholly escaped.

Mr. *Vansittart* defended the principle of the tax. The hon. gent. had misapprehended it. It was not intended, that the person whose income was but 50*l.* a year, should pay at the rate of 10 per cent. The scale would begin at a low per-centage at 50*l.*, and proceed by arithmetical progression till it arrived at 100*l.* when the highest rate of 10 per cent. would begin.—The resolutions were then separately read and agreed to, and bills ordered accordingly.

HOUSE OF LORDS.

Tuesday, April 1.

[Minutes.] The Cape of Good Hope Trade Regulation bill passed through a committee, and was reported.—The Expiring Laws bill was read a 3d time, and passed.—Judgment was given, on the motion of lord Eldon, in the case Keeling *v.* the East-India Company, referring back several of the points to the Court of Chancery.—The farther consideration of the appeal, the Countess Dowager of Lincoln and others, v. the duke of Newcastle and others, was, on the motion of lord Eldon, deferred till Monday the 14th inst.—Lord Auckland moved for Accounts of the Value of Imports and Exports to and from Great Britain, on an annual average of five years, ending 1793, and five years, ending 1805; and for several other accounts of the Value of British Manufactures exported, Shipping, Tonnage, &c.; which were all ordered.—Mr. Hawthorne brought up the Irish Militia Service bill, and two private bills, which were severally read a first time.

HOUSE OF COMMONS.

Tuesday, April 1.

[Minutes.] New writs were ordered to be issued for Honiton, in the room of sir John Honywood, deceased; for Peterborough, in the room of William Eliot, esq. who, since his election, has accepted of the office of chief secretary for Ireland; for the county of Sligo, in the room of Charles O'Hara, esq. who, since his election, has accepted of the office of one of the commissioners for managing the affairs of the Treasury in Ireland; and for Queen's County, in Ireland, in the room of Henry Parnell, esq. who since his election has also accepted of the office of one of the commissioners of the treasury in Ireland.—A petition was presented from earl Spencer, and the other proprietors of Battersea Bridge, against the bill for making and maintaining a bridge across the Thames from Vauxhall Turnpike.—A petition was presented from the debtors in the Jail of Newgate.—The Irish Treasury bill, and the British Fishery bill, were read a third time and passed.—Mr. Calcraft brought up an account of unappropriated balances in the hands of the Treasurer of the Ordnance on the 5th Jan. last.—Sir J. Frederick having moved the 2d reading of the Lambeth Inclosure bill, lord W. Russell said he had no objection to the bill being read a second time, that circumstance being understood to be without prejudice to the opposition made to the bill by the persons for whom he presented the petition, or to their right to be still heard by their counsel against the principle of the bill. On this understanding the bill was read a 2d time.—Mr. Yorke, pursuant to notice, moved for extracts to be laid before the house, of the correspondence between the government of Ireland, and the commissioners, relative to the suspension of the late paving board, in Dublin. Lord De Blaquiere said, he did not mean to oppose the motion, though he must again repeat, that it was natural for a set of gentlemen, who had been so severely censured for their conduct, to have expected that they might have been heard in their justification, before they were condemned. Mr. Yorke replied, that when the papers were before the house, they would show that the Irish government was far from being precipitate in its proceedings. The motion was then agreed to.—Mr. Yorke next moved, that the abstracts presented of the Subdivision Rolls, under the Levy-en-masse act, should be printed. He observed, at the same time, that the abstracts of the enrollments of the year 1804, contained only seven, and that of the year 1805, only six counties. He understood that the late administration informed the lords lieutenants of counties, that the returns were to be made regularly every year; why that was not complied with, he knew not; but he thought it of great importance, with a view to every military system, that the house should know the number of men in this country capable of bearing arms. Agreed to.—Mr. Vansittart presented, agreeably to order, the proclamation made by his majesty, relative to the Importation of Slaves by British subjects into Foreign Colonies. The Attorney General then obtained leave to bring in a bill for preventing the Importation of Slaves by British subjects, or in British bottoms, into foreign islands, &c. and for rendering more effectual the order of his majesty in council on this subject, dated 15th August last.—Mr. Vansittart brought up the Tea Duty bill, and the Tobacco Duty bill, which were read a first time.—On the motion of Mr. Vansittart there was ordered to be laid before the house, an account of the number of persons assessed to the Income Duty in 1801, and Property Tax in 1803. Also of the Gross Assessment, under the Property Tax in the year 1803, distinguishing each County, &c. so far as the same can be made up.—Mr. Huskisson moved for certain papers, not, he said, to provoke a renewal of the discussion which had already taken place, but with a view to get quit of it. He accordingly moved for a comparative account of demands outstanding in 1805, and 1806, exclusive of those for Naval Services; for an account shewing how the 1½ million remaining unemployed on 5th January, 1806, had been employed; and, for an account of the Disposition of 3½ Millions granted last year for subsidies; and whether any, and what proportion of them had been applied for Navy Services in the year 1806.—The house then went into a committee on the Ordnance Treasurer's bill, when, after a conversation between lord H. Petty and Mr. Calcraft on the one side, and Mr. Huskisson and Mr. S. Bourne on the other, principally on the point whether the idea of reform in this department had occurred to the late board previous to, or in consequence of, the Tenth Report of the Commissioners of Naval Enquiry, the bill was gone through, and the Report was ordered to be received to-morrow.

[Property Tax Bill.] Mr. Vansittart brought in the Property Tax bill, which was read a first time; and on the motion for its second reading,

Sir *Robert Buxton* said, that as he had not had an opportunity of speaking on this subject before, he would now remark on the extreme injustice and hardship which the bill would inflict, as well on the lower classes of the people, as on the landed property of the kingdom in general. If the exemptions for repairs, for instance, were taken away, the tax would fall unequally, at least, in the proportion of 12*l*. or 13*l*. per cent. on the landed interest. This doing away of that exemption, he had always opposed. He did so on bringing in the bill of last year, and if those whose business it more peculiarly was, should not attend to it, he should feel it his duty to propose exemptions for that purpose in the committee.

Mr. *Vansittart* replied, that the exemption alluded to was not included in the present bill, and that the committee was the proper stage for the discussion of that subject. He said, he meant to propose, that the bill should be read a 2d time to-morrow, for the purpose of having it committed on Thursday, after which it would be printed, and a day appointed for the report, after the holidays, when it would be competent to any gent., who thought proper, to move for its being recommitted. He assured the house, at the same time, that his noble friend, the chancellor of the exchequer, had every disposition to listen to every reasonable suggestion that might be made; but he must also remark, that exemptions of that kind might be just and right, in particular cases, which would be highly injurious if generally adopted.

Mr. Alderman *Prinsep* said, he was aware that this was not the proper stage for going into any discussion: but promised to deliver his sentiments upon it, when the bill should be in a committee.

Mr. *Bastard* cautioned the house, while they limited the operation of the act to 10 per cent. against sanctioning a principle by which more than that amount might fall on any particular class.

Mr. *Shaw Lefevre* thanked the hon. gent. for the attention paid by him to the convenience of a certain class of the members of that house, and suggested Monday, the 21st April, as the most convenient day after the recess for taking up the consideration of the bill.—The bill was then ordered to be read a second time to-morrow.

[Affairs of India.] Mr. *Hobhouse* moved to postpone the order of the day for taking into further consideration the report of the committee to whom the petition of the private creditors of the late nabobs of the Carnatic was referred, and moved that the same be taken into consideration on Monday se'nnight.

Mr. *Francis* wished to know if the report would be printed in time for the previous consideration of members, before they were called on to discuss a subject of such importance.

Mr. *Hobhouse* answered, that it was now printing, and he had every reason to think it would be finished time enough to be in the hands of every member during the recess. If not, however, he should have no objection, hereafter, to any reasonable delay.

Mr. *Francis* said, the subject was one of the utmost importance, which involved a question of some millions, no less than six, which certain gentlemen, who called themselves the creditors of the late nabobs of Arcot, said were due to them by those princes: if this was now to be paid, it must come out of the coffers of the East-India company; and in their present most embarrassed and distressed situation, he felt it of high importance to consider how far it was prudent to throw such a claim upon them.

Mr. *Hobhouse* said, that the question before the house regarded only a short postponement, and would not allow him to go into the merits of the measure. On Monday se'nnight he should move for leave to bring in a bill, and would fully explain the grounds upon which it was founded. At present, he should abstain from all argument, as not being the proper time for discussion.

Mr. *Golding* moved for a copy of the letter from the governor and council at Bengal, dated 28th March, 1805, to the court of directors of the India company, in relation to the friendly conduct of the nabob of Oude towards the British troops engaged in the Marhatta war; which was ordered.

Lord *Henry Petty* rose to express his hope, that an hon. gent. opposite to him (Mr. Huddleston) who had given notice of a motion for that day, respecting the production of India papers, would have no objection to defer that motion to another day, as a right hon. friend of his, not now in the house, (Mr. Fox) was precluded by indisposition from attending in his place, and who was certainly desirous of being present at any discussion which might take place upon this subject.

Mr. *Huddleston* answered, that from the polite and modest manner in which the noble lord had shaped his request, as well as an earnest desire that the right hon. gent. alluded to should be present when he made his motion, because, from the known opinions on that subject always avowed by that right hon. gent., he relied upon his support to his motion, he should have no objection to postpone it till Thursday.

HOUSE OF LORDS.

Wednesday, April 2.

[Minutes.] Lord Walsingham moved for an Address to his Majesty to request a Copy of the Second Report of the Commissioners appointed to revise and digest the Civil Affairs of the Navy. Ordered.—The Irish Militia Service bill was read a second time, and committed for Monday the 14th inst.—The royal assent was given by Commission to the Expiring Laws bill and three private bills. The Commissioners were the lord chancellor, lord Walsingham, and lord Auckland.—The Cape of Good Hope Trade Regulation bill was read a third time and passed, and a message sent to the commons to acquaint them therewith.—A petition was presented from lord visc. Hawarden, claiming the Right of Voting at the Election for Representative Peers of Ireland, which was referred to the Committee of Privileges.—Adjourned to the 14th inst.

HOUSE OF COMMONS.

Wednesday, April 2.

[Minutes.] Mr. Quarme, the yeoman usher of the black rod, appeared at the bar, and summoned the house to attend in the house of lords, to hear the royal assent given by commission to several public and private bills. The Speaker, on his return, acquainted the house, that he had been in the house of peers, and heard the royal assent given by commission to the Newfoundland Judicature bill, the St. Sepulchre's Workhouse bill, and several private bills.—A message from the lords informed the house, that their lordships had agreed to the Cape of Good Hope Trade Regulation bill, without any amendment.—Mr. Kemp from the Commissioners of Excise, presented at the bar of the house, an account or estimate of all duties of Excise in Great Britain charged and outstanding on the 5th of January 1805, and on the 5th of January 1806, respectively; distinguishing the several articles, and temporary from permanent duties, so far as relate to the Revenue of Excise in England, which was ordered to lie upon the table, and to be printed.—On the motion of Mr. Vansittart, the Property Tax bill was read a second time, and ordered to be committed to-morrow, the right hon. gent. stating that the committal to-morrow would be only *pro formâ*, and that it was intended to have the bill re-committed on the 21st inst.—The Tea Duty bill, and the Tobacco Duty bill, were severally read a second time, and ordered to be committed on Monday, the 14th instant.—The house, in a committee, went through the Loan bill, and the report was ordered to be brought up to-morrow.—Mr. Vansittart moved, that the house do resolve itself into a committee of Ways and Means; in which he moved, that a sum not exceeding 3 millions, be granted to his majesty by a loan on Exchequer bills, towards the supply of the present year; which was agreed to, and the report ordered to be received to-morrow.—Mr. Secretary Windham rose, and apologized to the house, for being under the necessity of postponing the bringing forward his motion, relating to the Military Establishments of the country, pursuant to the notice he had given, on account of the severe indisposition of his right hon. friend (Mr. Fox). He hoped, however, the delay would not be longer than to-morrow. He had just left his right hon. friend before he came down do the house, who had told him, that he found himself considerably better than he was yesterday, and that he had great hopes of being able to attend to-morrow. The Speaker asked whether the right hon. secretary intended to fix his motion for to-morrow? To which question Mr. Windham answered, yes. General Tarleton then said, there was a motion of his, to the same purport, which stood for to-morrow, and which was entitled to priority, but that he would readily wave it. The motion of Mr. Windham was accordingly fixed for to-morrow.—Sir J. Duckworth's Annuity bill, was brought in, read a first time, and ordered to be read a second time to-morrow.—Dr. Duigenan brought up the report of the Irish First Fruits bill, which was agreed to, and the bill ordered to be read a third time to-morrow.—On the order of the day being read for the house to resolve itself into a Committee of Supply, it was, on the motion of sir J. Newport, ordered, that the several petitions which were presented to the house upon the 7th day of March last, and the 1st day of this instant April, relative to the English Protestant Schools in Ireland; the Foundling Hospital; the Hibernian Marine Society; the Hibernian School for Soldiers' Children; the Female Orphan House; the Association for discountenancing Vice; the Westmorland Lock Hospital; the House of Industry; the Fever Hospital; the Lying-in Hospital; the Royal College of Surgeons; the Dublin Society for promoting Husbandry and other useful Arts; the Farming Society; the Corporation for paving, cleansing, and lighting the City of Dublin; the Commissioners for making wide and convenient Streets in Dublin; the Roman Catholic Seminary; the Parish Church of Saint Andrew; the Hospital founded by Dr. Richard Steevens; and the Commissioners of Charitable Donations and Bequests, be referred to the said committee. The house then went into a Committee of Supply, in which a variety of sums were voted, according to annual custom, towards the support of the above charitable institutions in Ireland, and the report was ordered to be received to-morrow.—Sir J. Newport moved, that the house do resolve itself into a committee of the whole house, to consider the acts which imposed a duty on Dwelling Houses, in Ireland; which being done, the hon. baronet said, there had been a duty of 3*s.* imposed in the last session of parliament, on Dwelling Houses in Ireland, which had been found oppressive on a great number of the inhabitants, and had given considerable dissatisfaction, as there were many houses that did not pay at all, and as the duty was very trifling, it was thought necessary to repeal such part of the said act. He therefore moved, that the duty of 3*s.* on certain Dwelling Houses in Ireland, do cease and determine. Mr. J. Fitzgerald said, he had foretold, when the duty alluded to was proposed, in the last session, the great dissatisfaction it would create in Ireland, and had, therefore, strenuously opposed it. He was very glad, therefore, to find, that his majesty's present ministers had determined to satisfy the minds of the people, by easing them of so irksome a burthen. The motion was then agreed to, and the report ordered to be received to-morrow.—The house then went into a committee of the whole house, to take into consideration the acts relative to Irish Bank Notes; in which, sir J. Newport stated, that by the act of the 43d of his majesty, the bank of Ireland had been placed, as to the issue of bank notes, nearly on the same footing with that of England; but, that by the 44th of the king, that provision had been repealed, and it was now thought expedient it should be revived; he therefore moved, that the act of the 43d of the king, relative to the issue of bank notes, in Ireland, repealed by the act of the 44th of his majesty, be revived and amended. The resolution was agreed to, and the report ordered to be received to-morrow.—Mr. Hawthorne brought up the report on the Ordnance Treasurer's bill, which was agreed to, and the bill ordered to be read a third time to-morrow.—Mr. C. Wynne brought up Copies of the Correspondence between the Irish Government and the Dublin Paving Board, pursuant to order; which were ordered to lie on the table.—He afterwards brought up the return of the Deputy Clerk of the Crown in Ireland, relative to the return of sir John Newport, bart. for the county of the city of Waterford, which stated, that the said return was received at the Office of the Clerk of the Crown, in Dublin, on the 24th of March last, and was, by him, delivered into the General Post-Office, in Dublin, on the said 24th day of March, to be transmitted to the Crown-Office in England. Lord H. Petty, in the absence of his right hon. friend, Mr. Fox, gave notice, that he would, to-morrow, move, that the sheriff of the county of Waterford do attend at the bar of the house.—On the motion of lord Henry Petty, sir John Newport was added to the committee for examining the joint accounts between Great Britain and Ireland.—Mr. Rose gave notice of his intention to bring forward, to-morrow, a motion of the utmost consequence with regard to the intercourse of America with our West-India colonies. This motion he was urged to press, in consequence of what he heard was going forward elsewhere, combined with a negociation of great importance which was known to be on the tapis.—The idea of enabling the governors of the West-India islands to suspend our navigation laws during the war, struck him to be a project so alarming, that he felt it his duty at once to move for the production of such documents as he knew were calculated to shew, not only the inexpediency, but the danger of such a proceeding.

HOUSE OF COMMONS.

Thursday, April 3.

[MINUTES.] Mr. Baldwin presented a petition from the owners and occupiers of lands in the parish of Lambeth, against the Lambeth Inclosure Bill, praying to be heard by counsel, against the bill, which was referred to the committee on the bill.—An ingrossed bill for amending an act, passed in Ireland in the 29th year of King George II. intituled, "An act for amending and making more effectual the several laws relating to the First Fruits, payable out of Ecclesiastical Benefices in this kingdom, and for the better regulation and management of the Charitable Bequest of Dr. Hugh Boulter, late lord archbishop of Armagh, for augmenting the maintenance of poor Clergy in this kingdom," so far only as relates to the said charitable bequest, was read the third time, and passed.—Mr. Johnson, from the office of the chief secretary for Ireland, presented to the house, pursuant to their orders, a return of the number of Common Law Subpœnas and Writs of *Capias Quo Minus*, issued from the court of exchequer in Ireland, for the last four years, commencing the 1st of November, 1801; and also an account of the quantity of Spirits distilled in Ireland imported into Great Britain in the years 1801, 1802, 1803, 1804, and 1805, stating the amount of the Duty paid in each year, and the amount thereof in the whole; which were ordered to lie upon the table.—Mr. Hutton, from the navy pay-office, presented to the house, pursuant to their orders, an account of the sums which remained in his majesty's exchequer on the 31st of December, 1804, being part of the grants of parliament for naval services for the year 1804; and also an account of the aggregate amount of the certified balances in the hands of the treasurer of the navy and his cashiers on the 31st of December, 1804; and also an account of the exchequer bills issued from his majesty's exchequer for naval services, which remained in the hands of messrs. B. and A. Goldsmid on the 31st of December, 1804.—The attorney-general presented to the house, according to order, a bill to prevent the importation of Slaves by any of his majesty's subjects into any islands, colonies, plantations, or territories belonging to any foreign sovereign, state, or power; and also to render more effectual a certain order, made by his majesty in council on the 15th day of August, 1805, for prohibiting the importation of slaves (except in certain cases) into any of the settlements, islands, colonies, or plantations on the continent of America, or in the West Indies, which have been surrendered to his majesty's arms during the present war; and the same was received, and read the first time, and ordered to be read a second time on the 16th inst.—The secretary at war presented several military estimates, which, he said, did not relate to the military arrangements to be brought forward that night, and gave notice that, on Monday se'nnight, he would move their being taken into consideration in a committee of supply.—Mr. Vansittart presented the second report of the commissioners of revision of the civil affairs of the navy; which was ordered to be printed.—Mr. Vansittart brought up a bill for granting certain duties on iron; which was read a first time, and ordered to be read a second time on Monday se'nnight.—Mr. Perceval gave notice, that on the first day after the recess he would bring in a bill for improving the condition of stipendiary curates.—Sir John Duckworth's Annuity bill was read a second time, and ordered to a committee of the whole house on Monday se'nnight.—The Treasurer of the Ordnance bill was read a third time, and passed. A clause was introduced, providing that the bank should not be accountable for mistakes that might happen in figures.—The house went into a committee, *pro formá*, on the Property Tax bill, which was ordered to be taken into further consideration on Monday fortnight.—Mr. Hawthorn reported from the committee of the whole house, to whom it was referred to consider further of the supply granted to his majesty, the resolutions which the committee had directed him to report to the house; which are as follow, viz.—Resolved, 1. "'That a sum, not exceeding 21,600*l.* Irish currency, be granted to his majesty, to be paid to the trustees of the linen and hempen manufactures in Ireland, for promoting and encouraging the said manufactures, from the 5th day of January, 1806, to the 5th day of January, 1807, under such regulations and appropriation as shall be directed by Parliament. 2. That a sum, not exceeding 25,000*l.* Irish currency, be granted to his majesty, for defraying the expence of civil buildings in Ireland, from the 5th day of January, 1806, to the 5th day of January, 1807. 3. That a sum, not exceeding 1,200*l.* Irish currency, be granted to his majesty, for defraying the expence of printing and binding 250 copies of the acts of the 46th year of the reign of his present majesty. 4. That a sum, not exceeding 10,500*l.* Irish currency, be granted to his majesty, for defraying the expence of publishing proclamations and advertisements in the Dublin gazette, and other newspapers in Ireland, from the 5th day of January, 1806, to the 5th day of January, 1807. 5. That a sum, not exceeding 21,880*l.* Irish currency, be granted to his majesty, for defraying the charge of the printing, stationery, and other disbursements, for the chief and under secretaries' offices and apartments, and other public offices in Dublin Castle, &c. and for the riding charges and other expences of the deputy pursuivants and extra messengers attending the said offices, from the 5th day of January, 1806, to the 5th day of January, 1807. 6. That a sum, not exceeding 25,000*l.* Irish currency, be granted to his majesty, for defraying the expence of criminal prosecutions, and other law expences in Ireland, for one year, from the 5th day of January, 1806, to the 5th day of January, 1807. 7. That a sum, not exceeding 2,500*l.* Irish currency, be granted to his majesty for defraying the expence of apprehending public offenders in Ireland, from the 5th day of January, 1806, to the 5th day of January, 1807. 8. That a sum, not exceeding 5,000*l.* Irish currency, be granted to his majesty, to be paid to the board of first fruits, for building new churches, and rebuilding old churches, in such parishes as no public service has been performed in for twenty years last past, and for the encouragement of building glebe houses on such terms as they shall think fit, for one year, from the 5th day of January, 1806, to the 5th day of January, 1807. 9. That a sum, not exceeding 254*l.* 18*s.* 10½*d.* Irish currency, be granted to his majesty, for completing the sum necessary for the support of the non-conforming ministers of Ireland, for one year, from the 5th day of January, 1805, to the 5th day of January, 1806. 10. That a sum, not exceeding 9,429*l.* 18*s.* Irish currency, be granted to his majesty, for the support of the non-conforming ministers of Ireland for one year, from the 5th day of January, 1806, to the 5th day of January, 1807. 11. That a sum, not exceeding 1,047*l.* 10*s.* 2*d.* Irish currency, be granted to his majesty, for defraying the expence of pratique in the port of Dublin, from the 5th day of January, 1806, to the 5th day of January, 1807. 12. That a sum, not exceeding 610*l.* 6*s.* 11½*d.* Irish currency, be granted to his majesty, for defraying the expenditure at his majesty's gold mine at Croaghan, in the county of Wicklow, from the 5th day of January, 1806, to the 5th day of January, 1807. 13. That a sum, not exceeding 340*l.* Irish currency, be granted to his majesty, to be paid to Stephen Moore, esq. accountant-general, for his extraordinary trouble and expence in preparing and printing the public accounts of Ireland laid before the house of commons in this session of parliament. 14. That a sum, not exceeding 240*l.* Irish currency, be granted to his majesty, to be paid to John Smart, esq. deputy accountant-general, for his extraordinary trouble in preparing the public accounts of Ireland for Parliament, for one year, ending the 5th day of January, 1806. 15. That a sum, not exceeding 200*l.* Irish currency, be granted to his majesty, to be paid to Paul le Bas, esq. examinator of corn bounties, for his trouble in keeping the accounts in the said office. 16. That a sum, not exceeding 250*l.* Irish currency, be granted to his majesty, to be paid to Robert Marshall, esq. inspector-general of imports and exports, for his expence and trouble in preparing the accounts of the imports and exports of Ireland for Parliament, for one year, ending the 5th day of January, 1805. 17. That a sum, not exceeding 200*l.* Irish currency, be granted to his majesty, to be paid to Rogers Wetherall, esq. first clerk in the office of the inspector-general of imports and exports in Ireland, for his extraordinary trouble in preparing accounts for parliament. 18. That a sum, not exceeding 200*l.* Irish currency, be granted to his majesty, to be paid to George Hatton, esq. examinator of excise, for his extraordinary trouble and expence in preparing accounts for parliament. 19. That a sum, not exceeding 150*l.* Irish currency, be granted to his majesty, to be paid to Samuel Hood, esq. assistant examinator of excise, for his extraordinary trouble in preparing accounts for parliament. 20. That a sum, not exceeding 200*l.* Irish currency, be granted to his majesty, to be paid to Thomas Haffield, esq. clerk in the office of the auditor of the exchequer, for his extraordinary trouble in preparing accounts for parliament. 21. That a sum, not exceeding 740*l.* Irish currency, be granted to his majesty, for defraying the charge of clothing the Battle-axe guards for eighteen months, commencing the 1st day of December, 1805. 22. That a sum, not exceeding 2,000*l.* Irish currency, be granted to his majesty, for defraying the charge of incidents of the treasury of Ireland, from the 5th day of January, 1806, to the 5th day of January, 1807. 23. That a sum, not exceeding 22,621*l.* 6*s.* 1*d.* Irish currency, be granted to his majesty, for defraying the charge of the incorporated Society in Dublin for promoting English Protestant Schools in Ireland, from the 5th day of January, 1806, to the 5th day of January, 1807. 24. That a sum, not exceeding 22,500*l.* Irish currency, be granted to his majesty, for defraying the expence of the Foundling Hospital in Dublin, from the 5th day of January, 1806, to the 5th day of January, 1807. 25. That a sum, not exceeding 1,588*l.* 15*s.* Irish currency, be granted to his majesty, for defraying the charge of the Hibernian marine society in Dublin, from the 5th day of January, 1806, to the 5th day of January, 1807. 26. That a sum, not exceeding 8,210*l.* 10*s.* 10*d.* Irish currency, be granted to his majesty, for defraying the expence of the Hibernian School for Soldiers' children, from the 5th day of January, 1806, to the 5th day of January, 1807. 27. That a sum, not exceeding 1,081*l.* 2*s.* 2*d.* Irish currency, be granted to his majesty, for defraying the charge of the Female Orphan House near Dublin, from the 5th day of January, 1806, to the 5th day of January, 1807. 28. That a sum, not exceeding 1,391*l.* 2*s.* 6*d.* Irish currency, be granted to his majesty, for defraying the expences which may be incurred by the Association for discountenancing vice, and promoting the knowledge and practice of the Christian religion, from the 5th day of January, 1806, to the 5th day of January, 1807. 29. That a sum, not exceeding 8,988*l.* Irish currency, be granted to his majesty, for supporting the Westmorland Lock Hospital in Dublin, from the 5th day of January, 1806, to the 5th day of January, 1807. 30. That a sum, not exceeding 22,862*l.* 17*s.* 10*d.* Irish currency, be granted to his majesty, for defraying the charge of supporting the House of Industry and Penitentiary in Dublin, from the 5th day of January, 1806, to the 5th day of January, 1807. 31. That a sum, not exceeding 1,030*l.* 18*s.* 6*d.* Irish currency, be granted to his majesty, for defraying the expence of maintaining eighty patients in the House of Recovery and Fever Hospital in Cork-street, Dublin, from the 5th day of January, 1806, to the 5th day of January, 1807. 32. That a sum, not exceeding 2,287*l.* 8*s.* Irish currency, be granted to his majesty, for defraying the expence of the Lying-in Hospital in Dublin, from the 5th day of January, 1806, to the 5th day of January, 1807. 33. That a sum, not exceeding 4,500*l.* Irish currency, be granted to his majesty, towards defraying the expence of building the intended Hall for the Royal College of Surgeons in Ireland, from the 5th day of January, 1806, to the 5th day of January, 1807. 34. That a sum, not exceeding 10,000*l.* Irish currency, be granted to his majesty, to be paid to the Dublin Society for promoting Husbandry and other useful Arts in Ireland, from the 5th day of January, 1806, to the 5th day of January, 1807, under such regulations and appropriation as shall be directed by parliament.—35. That a sum, not exceeding 3,000*l.* Irish currency, be granted to his majesty, for defraying the expences of the Farming Society of Ireland, from the 5th day of January, 1806, to the 5th day of January, 1807.—36. That a sum, not exceeding 400*l.* Irish currency, be granted to his majesty, for defraying the charge of the Office of the Commissioners of Charitable Donations and Bequests, from the 5th day of January, 1806, to the 5th of January, 1807.—37. That a sum, not exceeding 10,000*l.* Irish currency, be granted to his majesty, for paving, cleansing, and lighting the streets of Dublin, from the 5th day of January, 1806, to the 5th day of January, 1807.—38. That a sum, not exceeding 4,500*l.* Irish currency, be granted to his majesty, to be paid to the commissioners for making wide and convenient streets in the city of Dublin, from the 5th day of January, 1806, to the 5th day of January, 1807.—39. That a sum, not exceeding 8,000*l.* Irish currency, be granted to his majesty, for defraying the charge of the Roman Catholic Seminary in Ireland, from the 5th day of January, 1806, to the 5th day of January, 1807.—40. That a sum, not exceeding 2,700*l.* Irish currency, be granted to his majesty, to be applied to complete the re-building of the parish church of Saint Andrew Dublin, and building a steeple and spire thereto.—41. That a sum, not exceeding 4,740*l.* 3*s.* 0½*d.*, Irish currency, be granted to his majesty, towards defraying the expence of Madam Steevens's Hospital, from the 5th day of January, 1806, to the 5th day of January, 1807, and to complete the repairing, furnishing, and enlarging, of the said Hospital."—A Petition of the proprietors of the Birmingham Canal Navigations, was presented to the house, and read; setting forth, that, in pursuance of powers granted by 5 several acts, of the 8th, 9th, 23d, 24th, and 34th years of his present majesty, the petitioners have made navigable canals from Birmingham, co. Warwick, to communicate with the canal navigations between the rivers Severn and Trent, and from Birmingham aforesaid to Fazely and Whittington Brook, which have opened navigable communications with the Coventry canal and the canal from the Trent to the Mersey; that they have also completed canals and cuts to the lower part of the town of Birmingham, and to the extensive coal mines, in the parishes of Wednesbury, &c. co. Stafford; and that they have expended large sums of money in improving their said canals, and particularly in the part between Birmingham and the coal mines at Tipton and Sedgley; and that, by an act, of the 31st of his present majesty, for making a navigable canal near Birmingham, to communicate with the Severn, at Diglis, near Worcester, the said last-mentioned canal is not allowed to approach nearer to the Birmingham canal than within 7 feet; and, to prevent such approach, a bar hath been erected, by virtue of the last-mentioned act, to separate the said canals from each other; and that application hath been made by the proprietors of the said Worcester and Birmingham canal to the petitioners, to open a navigable communication between the said two canals, for the passage of boats, barges, &c., out of the one into the other, to which the petitioners have consented on certain conditions; &c. &c.—The petition was ordered to lie upon the table.—A petition of the wholesale and retail grocers of the city of Dublin, was presented to the house, and read; setting forth, that two acts of the last session of parliament, one by direct prohibition, and the other by the indirect effect of some of its provisions, have deprived the description of traders in Ireland called Grocers, of the benefit of the sale of spirituous liquors, between which and the other articles of their trade there existed a long established and necessary connection; and therefore praying, that the said acts may be so far partially repealed or modified as to permit Irish grocers to sell spirituous liquors by retail on paying the same licence duty as other retailers of spirits.—Sir John Frederick reported from the committee, to whom the petition of Joseph Burnett, of Streatham, in the county of Surrey, and Francis Bigg, deputy land coal meter for the said county, was referred; that the committee had examined the matter of the said petition, and had directed him to report the same, as it appeared to them, to the house; and he read the report in his place, and afterwards delivered it in at the table, where the same was read. Ordered, that leave be given to bring in a bill for more effectually preventing of frauds and abuses in the admeasurement and delivery of Coals, within the several parishes lying between the parishes of Egham and Rotherhithe, both inclusive, in the county of Surrey; and that sir John Frederick and lord William Russell do prepare, and bring in the same.—Mr. Hutchinson presented to the house (according to order) a bill for building a new gaol for the county of the city of Cork, and for supplying the said gaol with water; and the same was received, and read the first time, and ordered to be read a second time.—Mr. Wilberforce presented to the house (according to order) a bill to enable the justices of the peace for the county of York to provide a convenient house, with suitable accommodations, for his majesty's judges of the assizes of the said county; and the same was received, and read a first time, and ordered to be read a second time.—A bill for inclosing lands in the township of Skelton, in the parishes of Skelton and Overton, in the North Riding of the county of York, was read a second time, and committed.—A petition of the Journeymen Boot and Shoe Makers, in the parish of Leeds, in the county of York, and its environs, was presented to the house, and read; taking notice of the application of the Master Boot and Shoe Makers; and setting forth, that, if the bill prayed for thereby should pass into a law, it will be the utter ruin of several thousands of his majesty's faithful and loyal subjects; and therefore praying, that the same may not pass into a law.—Mr. Robert Thornton said, he had put off his motion once or twice, in expectation that a discussion would take place on another motion connected with it. And as such discussion was not likely to take place this day, he would now barely content himself with moving, that there be laid before the house a copy of a letter from sir Robert Barlow to lord Lake, dated the 20th of Oct. 1805, in answer to a dispatch from lord Lake to marquis Cornwallis, dated the 6th of Oct. 1805. Mr. H. Addington said he had no objection whatever to the production of this paper, which was ordered accordingly.—Mr. Huddlestone said, that as he understood that some objections were to be made to the papers he was about to move for, as there was business of very great importance coming on this day, he would not interrupt it by making the motion, but put off the same till after the recess, when he would fix a day for it.—Mr. Rose said, he should be unwilling now to take up the time of the house by making the motion, of which he had given notice yesterday. He had heard of an intention expressed in another place to offer to parliament a measure that went to give the governors of the West-India islands a discretionary power to suspend the navigation laws of this country. They had already done this in certain cases, but they did so on their responsibility, and on that point alone the matter ought to rest. He now gave notice that he should bring forward his motion on this day fortnight. Lord Temple said, it was the intention of those members of the board to which he belonged, to propose that the governors of the Islands should be authorised, upon the necessity of the case, to grant those importations alluded to by the hon. gent.

[MILITARY ESTABLISHMENTS OF THE COUNTRY.] Mr. *Windham* rose and spoke as follows:—Sir; the measures which I am about to propose are little more than the application of those general principles, which I have frequently had occasion to urge to the house, when questions connected with the state of our Military Establishments have made the subject of its deliberations. The knowledge that such ideas existed in the minds of many of my hon. colleagues, as well as of myself, naturally produced an opinion, that some change conformably to these ideas was likely to be the consequence of our appointment to office. And, so far, the expectation was reasonable and just. But, when it was further supposed, that this change was to be immediate; that our appointment to office, and the adoption of measures meant as a permanent foundation for our Military Establishments, was to be one and the same thing, such an expectation was neither warranted by any thing said by myself or by any of my hon. friends, either subsequently to our coming into office or previous to it, nor countenanced, in any degree, by the nature of the proceeding itself.—For, since what we proposed had more for its object to place the service on a right footing in future, than to devise expedients for meeting the present danger, the measures in view were precisely of that sort in which care was of more consequence than time; in which it was more expedient that whatever was done should be done rightly, than that it should be done speedily.—It is surprising therefore, that the hon. gentlemen opposite do not see, that in calling so loudly for new measures, they are pronouncing a condemnation on those heretofore taken; that in carrying so high their expectations of change, when no change was announced from this side of the house, they betray a conviction that things had been left in a state in which change was absolutely necessary. I have said, and say still, that the Military Establishments of the Country are on a false and vicious state, that they stand on a footing on which they cannot stand long; but I have never said, that they could not stand for an instant; that something must be done, no matter what, or the fabric must fall to the ground. It is the hon. gentlemen who are talking this language. There is an expression known in the army, applicable to what happens sometimes under an unlucky field-officer, and is called "clubbing the battalion," by which is meant, throwing the battalion into such complete confusion, so mixing the front with the rear, the flanks with the centre, the right with the left, the grand divisions with the sub-divisions, that it is impossible for the most skilful adjutant or major, by any series of words of command, to bring it again into order. The hon. gentlemen seem to flatter themselves, and certainly not without reason, that under this head, as well as under many others, they have completely "clubbed the battalion," and then they stand by, grinning and rubbing their hands, exulting in the confusion they have made, and calling triumphantly upon their successors to shew what they can do, in putting things to rights again.—Sir; this task I am now to attempt, in that part of the affairs of the country which relates to its Military Establishments. I am to state to the house, those measures, by which his majesty's servants are endeavouring to provide a permanent security against those permanent dangers, by which the existence of the country is threatened: for we have gone on too long in thinking only of the exigency of the moment, in supposing that our task was done when he had staved off the danger for the present year, though at the price of exhausting the resources and weakening the defences of the country, for years to come.—The first object that a person engaging in such a task must have to look to, though it may seem superfluous and almost pedantic, formally to lay down the position, is an Army: by which I mean, a class of men set apart from the general mass of the community, trained to particular uses, formed to peculiar notions, governed by peculiar laws, marked by particular distinctions; who live in bodies by themselves, not fixed to any certain spot, nor bound by any settled employment; who "neither toil nor spin;" whose home is their regiment; whose sole profession and duty it is to encounter and destroy the enemies of their country wherever they are to be met with, and who in consideration of their performing that duty, and the better to enable them to perform it, receive a stipend from the state, exempting them from the necessity of seeking a provision in any other mode of life. I do not mean to say, that Great Britain has not at this time, as it has had at all others, a class of men answering to this description; that the men of this class are not as excellent in their kind as at any former period; and that the amount of their number is not great as compared with any thing but the exigency of the times. I do not mean to assert either, that we are not, in our language, ready enough to confess their importance, and to declare, that in all the steps we take, we have for our chief object the increase and improvement of this description of men: but, what I do mean to say is, that our conduct in this respect is at variance with our professions, as our language is, at different times, at variance with itself. Of all the measures connected with military objects, in which the house has been employed *for* years, what is the number that have even had in view the improvement of the regular army, and how much fewer are those, which can fairly pretend to have been conducive to that end? Though the Army, it was said, was finally to be benefited, the first object of the measure has always been, not to create an Army, but a substitute for an Army; and, in the course of this, we have so filled our minds with levies in mass, armed citizens, armed nations, and other ideas of that sort, that the very first conception and notion of an Army appear to be altogether forgotten. We seem to suppose, that whenever we have got a set of men together, no matter on what principle combined, have put them in a certain dress, ranged them in a certain order, and taught them certain exercises, that, as far as that number goes, we have created an Army; which is about as wise, as what we see of children in their sports, who, when they have fixed a piece of stick in the ground, fancy they have planted a tree. What is wanting in either case, is the vital principle. We perceive this in the case of the children, but never suspect that the same is true of our own attempts, when we suppose that we can create armies without danger and without discipline. Danger and discipline are the very sap and juices out of which all that has life and action must spring: it is from them alone must arise the real military character; as from the military character must proceed all that can really constitute an Army. How danger must operate to this end, is obvious to every one; but it would not be difficult to shew, that discipline is equally necessary, and that all the high military virtues, whose characteristic is courage, grow, like flowers out of dung, from a principle that is founded in fear. There must be some extraordinary property in armies, that can enable them to produce effects so far beyond the natural powers of their numbers. I wish the house to recollect how little, at all times, the fate of nations, when contending against each other, has been decided by any thing but the operations of their armies. The times are past, or, rather, never existed but among rude and uncultivated nations, when one country contended against another by the general strength of its population, when the strength of the army was the mere amount of the physical force and courage of the individuals who composed it. Nations now, and in every more improved state of society, even before the great revolution produced in the world by the invention of gunpowder, were brought to act upon each other only by the intervention of their armies. The armies are the champions on each side, to which the countries severally commit their quarrel; and when the champion falls, the cause is lost. The parties are heard only by their counsel. In how many instances has it ever happened, that when the army was defeated, the contest was restored by an insurrection of the people at large? This notion, therefore, of a levy in mass, so far as experience has hitherto gone, would seem to be one to which it would be wholly unsafe to trust. The people in mass are like metal in the ore:—and as all the iron that ever came from a Swedish mine would never hew a block, or divide a plank, till it was wrought and fashioned into the shape of a hatchet, or a saw, so the strength of a people can never, perhaps, be made capable of producing much effect in war, till it is extracted partially, and moulded into that factitious and highly polished instrument, called an Army. The only instance in modern times, that would seem to contradict this opinion, is America. But America was enabled to resist by its distance, and by its vastness. The arm of this country could act but feebly, when stretched across the Atlantic; and the forces that arrived there were dispersed and lost in the immense expanse which they had to occupy. There was an ocean of three thousand miles in front, and a continent of boundless extent behind. America is therefore hardly an instance. In the cases that are properly instances, in what manner have things happened? The latest experience is the most decisive. What are the two events, which more perhaps than any other two, have decided the fate of the present world? The battles of Marengo and Austerlitz. Yet, what were these events, except as marking the power of armies, compared with the consequences which they severally produced? What were the numbers concerned, the space occupied, the time employed, the lives lost on those days, compared with the states and kingdoms whose fate was then decided? Why were the millions of people composing those states to receive their doom from the issue of a combat between a few thousands on the plains of Austerlitz or Marengo? Yet such was the fact. The battle is lost, and Europe submits instantly to the will of the conqueror.—But it is not merely that the fact is so; our own opinions are in perfect conformity to this fact, whenever we reason upon the affairs, not of our own, but of any other country. When the emperors of France and Germany drew forth their armies lately to their respective frontiers, what did we ever expect was to stop the progress of either army, but the army opposed to it? Why, in fact, were the armies drawn out at all, if to stop the progress of an army the population of a country could be sufficient? When general Mack was defeated, we looked to nothing but the Russians. No one ever dreamt, that if they likewise were defeated, or withdrawn, that Buonaparté was not to proceed to Vienna, with as little trouble, and in as short a time, as was necessary to march that distance. Yet, it was not because there did not exist in those countries a brave and warlike people animated by the usual feelings of men attached to their prince, and loving their ancient institutions, and abhorring the idea of a foreign yoke. All these there were; yet of five and twenty millions of loyal subjects, by whom the emperor boasted to be surrounded, not five-and-twenty perhaps were found, by whom the smallest resistance was attempted, when once the armies were overthrown. If ever there was a country calculated to be defended by its inhabitants; if ever there were inhabitants qualified to defend a country, it was Swisserland, and the Swiss. The country was a succession of passes, where an handful of men might defend themselves, one should suppose, against thousands: the inhabitants were a nation of warriors; strong in limb, stout in heart, whose courage in Europe was proverbial; who had all seen service, and who were attached, beyond measure, to their native soil. Yet, without any falling off, perhaps, from their ancient character, how little were these people able to do, even in defence of such a country, against the force and skill, and active powers of a regular army!—The case may possibly be widely different here. I hope, and trust, it will be so. I am willing to push as far as any body the hopes to be entertained from the zeal, the energy, the patriotism, the intelligence, the creative talents, the enterprising spirit, the high mind, and determined valour, of the inhabitants of these islands; but, though I will hope every thing from these qualities, and do feel sanguine that the hope will not be disappointed, I will not, when I can avoid it, make them part of my calculation. And here it is whimsical to observe, that while certain gentlemen are charging me as indulging my fancy, and dealing in theoretical opinions, it is they themselves, if their modesty would suffer them to perceive it, who are the real theorists, and who, like the gentleman in the French comedy, are talking prose without knowing any thing of the matter. Their opinions are, I trust, perfectly well founded; but still, as leading to conclusions different from those which experience has hitherto taught, they are no more than theory; whilst I, whom they accuse as theoretical, am keeping close in my conduct, whatever I may do in my hopes, to the dull and beaten road of experience.—In the mean time the facts and reflections above set forth, the object of which is to recall to gentlemen's minds the importance of regular armies, will not be deemed superfluous or misplaced, if we either consider the system which has been pursued by the country for some years past, or turn our thoughts at once to the result, namely, the very important, and, as some may think, very alarming fact, that of the regular forces, (as it is now the fashion to call them) to which the defence of this country must be entrusted in case of invasion, not less than one hundred thousand are composed of troops, who, by the very tenure of their service, can have never seen a battle, till they come to fight that first (and perhaps last) battle, (against troops, too, such as they will have to contend with), which must be decisive, probably of the fate of the country.—Assuming, then, the importance of regular armies, which no one denies, but which every one seems disposed to forget, the next enquiry is,—how they are to be obtained? that is to say, in the present instance, how we are to insure to the country, what, for many years, unquestionably, it has never had,—a constant and permanent source of recruiting adequate to the supply of its regular forces?—The nature of things here yields us but the option of one of two modes; force or choice. In most of the countries of Europe, the nature of the government admits of a recurrence to the former of these modes; and, undoubtedly, whenever that is the case, where the power of the government is such, that persons acting in its behalf, have no more to do than to go forth among the artisans and the peasantry, taking with them the standard they mean to observe of age and size, and selecting, of those who are found to answer it, as many as will suit their purpose, there can be no process so easy, so effectual, so certain; but, unluckily for the present object, though happily for every other, this is a process to which this country cannot resort. It is not that the abstract right is wanting; there must be in every country a supreme power, and, in theory, nothing can limit what is supreme; but practically, the exercise of this power is so fettered and controlled, the measures of force which we can employ are so confined to legal forms, so abridged, restricted, constrained, and modified, that the effect is reduced to almost nothing; the machine is stopt by its friction.—But, it is not merely on the score of Inefficacy that measures of this sort are objectionable. The force of free countries, while it is inefficacious often in respect to its object, is ten times more efficacious than that of the most arbitrary, with respect to the severity of its operation. A purely arbitrary power is, by its nature, a discretionary one; and discretion, when vested in proper hands, and where no temptation exists to the abuse of it, is the best and mildest of all rules. A German prince, or Russian nobleman, who had his subjects or vassals before him, could dispense with the man to whom service was a hardship, and say to another, to whom it might be no burthen at all, you shall serve in his room. But the law can make no such distinctions, can have no such feelings; it must take whatever comes before it, without considering the hardship it inflicts, or whether it is operating upon a live subject or a dead. It works like a machine, like a mill, and would grind the miller, if he should happen to fall in, with as little compunction as it would the corn.—These are, speaking generally, the objections to the use of coercive means, in a country like this. But, after all, our measures of force, as applied to military service, are measures of force, only in name. We force nothing but the money. That we can do; we can make the men pay; but the service is at last performed by the man who engages voluntarily. The real character, therefore, of our measures of compulsory service, is only that of a tax, and of the worst of all taxes, that of a tax by lot. Let a tax be imposed equally, so as to bear in its due proportion upon all parts of the community, and there is nothing hardly which a country like this cannot sustain. One may venture to say, that if a tax of a million could be laid on in the course of a night, without any notice from discussions in this house or otherwise, and with the art possessed by a late great financier, whose race is run, or by that of my noble friend, whose star is now beaming above the horizon, and rising, I trust, to equal glory, the country might never discover that any new burthen was imposed upon them. Some might conceive, perhaps, that they felt a little heavier; as men do in different states of the atmosphere; but having no barometer to ascertain the fact, they would ascribe the opinion to fancy, and think no more of it. Were this million, however, instead of being dispersed in the way which I have supposed, divided into 20,000 shares of 50*l.* each, or even into 50,000 shares of 20*l.* each, and levied on those who might be selected for that purpose, and on many of whom it must fall by lot, it is easy to see what calamity it must produce; that it might crush some one at every step it took; would draw blood at almost every stroke.—Nothing therefore can be either so false in principle, or so oppressive in practice, as what we entitle measures of compulsory service, and which so many, without consideration, are perpetually calling for. We hear every day that the crisis of the country demands sacrifices, that half measures will not do, that we must have something strong. These calls come, I am afraid, in general from those, who hope after all, that the strength of the measure will not fall upon them. Let us settle our minds distinctly upon the subject. Do we mean a conscription, which, proceeding by ballot, (the only mode I presume we think of) shall be conclusive as to the person on whom the lot falls, and compel him, whoever he may be, to serve for a limited term as a soldier? If we do, the hardship will be found to be such as no country could endure. If we do not, if we mean that he shall be at liberty to commute his service, then he either commutes it for a fixed fine, which brings us to the sort of tax, which has been just spoken of, or for a substitute, and then we instantly run up the bounty to an amount which, besides being a tax, and a tax still more heavy, makes it impossible in future to supply the army by any other means.—

We have, in fact, had experience of these measures; and the effect of the trial, though necessary perhaps at the time, and certainly productive of much immediate advantage, does not encourage a repetition of the attempt. If a conscription is proposed, numbers are instantly ready to declare in its favour; but, if you only change the name, and ask whether we shall renew the act for the army of reserve, however productive that measure was, raising certainly a greater number of men than has been raised before or since in the same time, the feeling is instantly reversed, and we declare decidedly against any measure of the sort.—I will not pretend to say, that no such measure can at any time be resorted to. It is impossible to say, to what the exigencies of the times and the necessity of the state may drive us. But of this I am sure, that without a more urgent necessity than exists at this moment, measures so oppressive in their immediate effects, and so injurious in their lasting consequences, should not be resorted to, till is was seen that milder and more legitimate methods were incapable of succeeding.—These methods are many of them so obvious and simple, that it seems to be matter of no small surprise, if in all this time we should never have thought of having recourse to them. If our army is to be composed of men who enter voluntarily, in what possible way can we hope to fill it but by bringing the service to a state in which it may be an object of their choice? Our attempt, on the contrary, seems for many years to have been to induce men to engage in a service which is not the object of their choice. Can it be surprising that we should have failed? We complain that the part of our population willing to engage in military service, upon the terms on which it is now offered, is not sufficiently numerous to furnish the supply required. The answer is, if you cannot change the state of your population, change the state of your service; improve it till it becomes an object to greater numbers than are at present inclined to engage in it. Without this, our means of recruiting must, for a part of it, be mere deception and artifice. We are in the state of men selling wares inferior in value to the price we ask for them; and, accordingly, are perpetually saying, that none but the ignorant and the thoughtless will ever be tempted to become buyers. To such a pass has this got, that of late years one of our chief resources has been by recruiting boys. Men grown up, with all the grossness, and ignorance, and consequent want of consideration incident to the lower classes, are too wary to accept our offers: we must add to the thoughtlessness arising from situation, the weakness and improvidence of youth. Why this, unless the trade of a soldier is incapable of such improvement as may bring it into competition with a sufficient portion of the trades and callings in lower life?—Nothing can shew more the false state into which our system of recruiting is fallen, than the practice, now so long familiar to us as to be received as a matter of course, of engaging men to serve by bounties. We forget that this was not always so; that within the memory of many of us, so late as within a few years of the breaking out of the American war, the idea of bounty, properly speaking, was unknown. A guinea to provide the recruits with necessaries, and a crown to drink the king's health, was all that was given upon enlistment. The service itself was the bounty. Whatever is added, shews decisively, that the service does not stand upon its true footing; and the amount of the bounty, bating the change in the value of money, would be the measure of the deviation, if it was not that by our injudicious methods and the competition that has been thus excited, we have raised these bounties beyond their natural amount. All that is given by government to induce any man to enter the service, is a confession that the pay and condition of a soldier is not what it used to be, a real equivalent, in the estimation of the man entering, for the value of his service. We are paying a man to accept what we offer: we are buying the buyer.—Never, therefore, can the system of supplying the Army be considered as resting upon its proper basis, till the necessity of bounty shall have ceased; and till the trade and calling of a soldier shall be brought to the state of other trades and callings, for entering into which no man receives a premium, but where, on the contrary, a premium is often paid for permission to enter. Such a change cannot be brought about at once. When things have long gone on in an improper channel, time must be required to turn them. But this must be the end aimed at, and I know not what there is to prevent its being ultimately attained.—Two things are necessary: the first and most important is, that the condition of service should be such, as that a sufficient portion of your population, knowing what it is, should consider it as an eligible calling;—that there should exist, at all times, dispersed in the community, a sufficient number of individuals, if they can but be found out, to whom the life and condition of a soldier, such as it may be made, with all its advantages and all its disadvantages, should, instead of a hardship, be considered as preferable to the conditions and callings in which they must otherwise have to seek a livelihood. Without this, the supply of the Army by voluntary enlistment is impossible: it must be by force or fraud; or, what is much the same thing, by bribing men to do, through the influence of some sudden temptation, or momentary passion, what they will be ready to destroy themselves for having done the moment after. But supposing the state of the service to be such as is here described, something yet remains to be done, namely, to make the fact generally known and understood among those with whom it is to operate. It is not sufficient that your wares are good, that they are worth the price you ask, you must have them properly advertised; you must expose them in proper situations; must shew them advantageously in your shop-windows; must carry them to the proper fairs and markets. If you put your shop in a back street, or if you do not have your advertisers, your clickers or barkers, or whatever they are called, there your goods may lay. If you have your recruiting officers in the Isle of Wight, you cannot expect a young lad to walk from Cumberland or Yorkshire in order to offer his services to them. You must act upon the same plan they do at wakes or fairs; you must place your goods in situations where they are most conspicuous.—The hon. gentlemen opposite me will, perhaps, say this is what is done in order to carry into effect the Additional Force bill; that bills are posted up in shops and markets, inviting recruits to enter. This is what I call an unfair trade, carried on by persons unfit to be employed or trusted, and what I by no means wish to recommend.—We now come to the application of the principle I am inculcating; and, first, what can be done to put the service on the best possible footing. The first plan that naturally strikes the mind is to raise your pay.—If you could raise the pay to 5*s.* a day, you would never want soldiers; but, besides the objection to the expence, there is another which necessarily confines you within a more moderate limit. You cannot increase the pay to such an extent, without rendering the Army licentious; and in proportion as an army is licentious, severity of discipline must be necessarily resorted to, and that severiy would have the effect of deterring persons from entering. You are therefore, with regard to the pay, confined to narrow limits; for you cannot, as I have already said, have an army without discipline. It is also to be recollected, that military service is not a mode of life favourable to longevity; but, notwithstanding this consideration, recommendations in its favour are not wanting. There is an invincible sense of dignity in the profession of arms, which makes men assume it in spite of all the inconveniences attached to it. The service is one with regard to which you can reward men by distinctions. You have certainly invaded those distinctions, and, as far as you could in that respect, have done the service a material and almost an irreparable injury. Though you cannot increase the pay; though you cannot take from the service those measures of discipline which deter the indolent from entering; yet you have left sufficient means of encouragement to make the Army infinitely beyond what it is at present. Under the head of encouragements may be enumerated, provisions for old age; provisions for persons disabled, which may be increased *ad libitum*; various distinctions which government has the means of distributing, not in the way of pay. They have the means of giving whatever advantages they may choose, suited to the rank, situation, and condition of the party. There is one great head of encouragement to the service, which the system I propose admits of. It is one by which I think the temptation to enter will be increased to a prodigious extent, without any prejudice to the service, and very little inconvenience to the soldier. It is a measure which has been supported by many of the first authorities in the country. I mean that change of condition which will place our regular troops on the same footing with those of every other power on the continent. I propose that, instead of general service for life, they should be enlisted to serve for a term of years. This is the system of service in all the states of Europe except our own. I say of Europe, though a large proportion of our own force, the 100,000 men to which I before alluded, are engaged for a limited term. Those gentlemen, who calculated on those troops, as equal, or nearly equal to regular troops, cannot consistently make any objection to this alteration. It would be rather strange if they should contend that such a change in the term of service will destroy the character of an army. I admit there will be a difference, but that difference will arise not from limitation of service but from limitation of place, which gives them different officers who never can have acted in times of danger. That this change will have the effect of inducing men to enter, is so clear, so certain, so totally incontrovertible, that it is unnecessary to urge it. Undoubtedly a man would prefer having an option rather than no option. This is one of those things which no evidence can over-rule. When I hear it said that corps of different durations of service will obtain men at the same price, I reply, that the argument may be met by the fact that corps of the same duration of service give different prices. Strange as it may seem, there are men who appear to like 5 guineas as well as 10. I cannot account for this, though I know it is so. A man may be in doubt, and half a guinea may make the difference; when, if he hesitated longer, he might obtain the larger sum. I see bodies rise in the air, though I know there is a principle of gravitation which carries them downwards. I must know that men, generally speaking, do like 10 guineas better than 5, but I find some acting otherwise. I see some men take the lesser sum when they might get the greater. Therefore upon this part of the subject I shall dwell no longer.—Another principle which I propose is, not so much the introduction of a change, as with a view to do away a restriction injurious to the service. This principle, if adopted, must have the effect of filling the armies, and providing a supply for them equal to the necessities of any emergency. On this subject I know that I am opposed by many high and respectable military authorities, but I know also that I am supported by others as high and as respectable. If I pause on the subject, it is because of its magnitude, and not because I feel the smallest doubt of the value or the rectitude of the principle.—The first consideration is, what we see in all the services of Europe.—Do we think, that in the armies of foreign powers the sort of soldiers' character we admire does not exist in as high a degree of perfection as in our own army or navy? Then am I to be told that what will do on the continent for all nations, and for different operations, will not do for us? I see great distinctions in national character among ourselves; but it would be against all presumption to say, that we England, Ireland, and Scotland, should differ so from the Continent, that what produces an effect on them should produce none upon us. This is so much against all presumption, that it would be impossible to adopt any supposition so perfectly gratuitous. The military service continues the same up to the very last period of its duration. It is not a thing that ends gradually at the end of 7 or 8 years: the power of controul is the same. It is as strong when it ceases, as at any former period. Why should we suppose that will happen here which we know has not happened elsewhere? And here I must take notice of the 100,000 men before adverted to. Will any one say, that the corps raised for limited service are not in the same state of discipline as any other regular troops? Turn to your head of service in the Indian armies. Are not the armies of India in high estimation though all raised for limited service? The principle I am contending for is, then, on the one side so uncontradicted by experience, as far as we can trace it by any authority, that I must say, fearful as I should be of making any change or innovation, I have never been able to persuade myself that there is any foundation for the apprehensions entertained upon the subject, and that if we suffer ourselves to be stopped upon considerations so perfectly gratuitous, there is nothing which might not be stopped. The same objections would apply to any other species of improvement that can be proposed.—Another mode of inducing men to enter is certainly open to us. It is by introducing a series of rewards; a part of discipline you have too much neglected. The less you require of the severity of discipline, the more will men be induced to enter the service. There is nothing which has done more harm than severity of discipline, and its relaxation will of course reconcile people to the army. I would not here be understood to mean that corporal punishment should be wholly done away; for there are some men of high and turbulent spirits who must be kept down by the fear of it; but the discipline, may be rendered infinitely less rigorous. By this means, a better description of men will be induced to enter the army, and the better the men you get, the less necessity will there be for severe punishments. Therefore, with respect to discipline, my own opinion is that to temper it would tend to the improvement of the army.—There is another, and a very material effect it would have: it would lessen Desertion. I would ask gentlemen on the other side, whether they do not know that the Desertion under their bill, the Additional Force Act, has amounted to more than one fifth? Of 13,000 men raised by it, I believe it will be found that 2800 have deserted. What has been the desertion with regard to the general service of the army? We know that the vicious system which led to our buying men by high bounties, has been as wasteful to the funds of the public as injurious to the service. We know that high bounties, combined with other bad regulations, have tended to produce Desertion. There is another objection urged against this change, which applies to this country more than to any other, because of our foreign and colonial service. I shall not be the person to say that it is not a consideration which ought to weigh of itself, and that in adopting the measure, the objection ought not to be provided against; but it is so distant and especially with respect to a plan intended for permanency, that it is hardly worth attending to. The objection may be reduced to so narrow a compass, as to have hardly any effect. Expedients may be adopted within certain limits, by which the colonial service will not receive the least injury. Additional allowances may be granted to colonial services; application of the men already enlisted; additional advantages in various respects; all these collectively will be so far found to narrow the objection, as that the value of it cannot be set against the advantages in other respects. It is in that way only I dwell on the circumstance. The inconvenience cannot be felt for a number of years to come. Unquestionably, if there were any of our distant possessions to which this objection could apply, it would be those in the East Indies. Now, we know that all the armies of the East-India company are recruited for a term of years, and for a very short term too. I have heard it said, that the East-India company did not keep faith with their troops, and I once was of opinion that there was some foundation for the assertion; but I am now persuaded by what I have learnt from an authority on which I can rely, that my opinion was erroneous. I am convinced, that had the East-India company done otherwise than they did, their recruiting could not have gone on. I am assured, on the authority of an officer of high rank, that they were scrupulous and exact to a degree, as to providing for the men's return whose terms were expired, and that they sent them home with the accommodation of the company's own ships, which was the best accommodation they could have. Therefore there was nothing that the men could complain of. This is a most powerful argument and authority; for if you can with no inconvenience carry on the service by enlisting for a term of years in so distant a colony, you can surely do so here. Among the remedies, would be the establishment of that branch of the army which has been approved by the highest authority; I mean the Second Battalions.—If I were asked what I would do with the men whose terms of service were near expiring, I should say, put them into the second battalions. It is curious to observe how carelessly many plans are objected to: for among many well-written opinions drawn up with much care and industry by persons who are supposed to be best acquainted with the subject, one is the immense expence that will consequently attend the having so often to renew the bounties. This is to suppose, what I think will not be the case, that the bounties will continue as they are at present. It does not follow that they are to be always the same, though the reduction cannot take place all at once. If the system I propose is persevered in, I am convinced the bounties will be reduced to nothing. It is urged that if limited service is adopted, we must be losing constantly a number of men at the expiration of the term of their service; that is, if you enlist for 8 years, you must, at the end of 8 years, lose an 8th of your army. Such a calculation might do, supposing that none of the men were to die, but delivered up their services at the end of their time. But you cannot make the calculation as you would with reference to annuities or leases. The fact is, the number of people you would lose that way, would be very inconsiderable. Many would not be alive, but would be replaced by others, and many would have received encouragement in the way of promotion which would attach them by interest to the service, and others would, from having become habituated to a military life, not be disposed to claim their discharge. With respect to men on foreign service in the East and

West Indies, I am aware I am not at liberty to argue as to the number who would claim to be discharged. It may be said at the same time, that this circumstance may give rise to competition amongst regiments who would wish to have those men at the expiration of their service. I do not apprehend any thing of this kind; but if it were possible even to happen, the remedy for it is obvious and easy. If a soldier should have a strong desire, at the expiration of his term of service in one regiment, to go to another regiment, I do not see why this desire may not be gratified, on certain terms. If, from any circumstance, he should so much prefer another regiment as to be content to purchase the exchange with the loss of three years' service out of seven, I should consider it hard to prevent him. It will be sufficient for the sake of discipline, that there should be this considerable discouragement to the changing his regiment, at the expiration of his term.—I have been urged by the calls of the right hon. gent. opposite to bring forward the measure this day before the minute details of it are in every instance completely arranged. It is not however very material whether those details are brought forward to-day or a few days later, as the holidays will afford gentlemen a convenient opportunity of considering the particulars of a subject, of which every body knows a little and nobody knows much. With respect to Desertion, I think there might be a power vested in courts martial to restore the unfortunate persons who may have transgressed, perhaps from intoxication, if not to a whole, at least to a part of what they would be entitled to at the regular expiration of their term. It would be cruel to deprive a poor man of those privileges and rewards to which by service he was entitled, because in a moment of inadvertency or intoxication he had been prevailed upon by others or felt an inclination to desert. This must produce a gradual effect upon the army. It is certain that desertion prevails even in the most limited service: but to say that the prevalence of desertion would not be counteracted by the prospect of release at a certain time, is to argue against the first principle of human nature. But then, it may be started as an objection to this, that men desert from corps whose services are limited, as well as they do from those of a different description. Certainly they do so, but I still contend that they desert in the one case when they would not in the other. I might here use the same argument as in the cases of high and low bounties. The truth is, that these things happen often by chance, or from circumstances, independent of bounty or term of service. Men desert when they see others deserting around them, from the influence of bad example or persuasion, and a variety of other causes. But still here I must look at the general principle which must influence the mind in a greater or less degree.—It is also urged, that those who enter into the service are, for the greater part, thoughtless, inconsiderate, and often unprincipled men, who never look to distant advantages of any kind whatever. I will not deny, but that, in a great degree, it is so; and that is one of the principal defects I complain of in our present system. But the great benefit which may be fairly expected from a measure of the sort now proposed, is, that it will introduce a new and better description of persons into the army, not altogether so thoughtless nor so inconsiderate, but who are attracted by the advantages that the military service holds out.—I may be told that to hold out to a young lad the prospect of an advantage at the end of 7 or 14 years, is to hold out an advantage that will have no weight with him. Certainly, it may have no weight as applied by the young man directly to himself; but, when he sees the influence it has on those around him, he cannot fail to be equally influenced by it himself. He will perhaps converse with his uncle Tom, who, 14 years before, had gone for a soldier. He will see him, after completing his terms, enjoying in full health and vigour, with constitution unimpaired and in the prime of life, the honourable allowance granted by his country in reward of his services: while some other relation, perhaps his father, who remained at home, is reduced to poverty and want, and wringing a scanty pittance from the parish. An example such as this, in his own family, cannot fail to induce a young man, more than any profound calculation, to prefer the military life; for it is not so much from individual judgement as from the estimation in which the service is held by others, that it derives its principal attractions.—As to the period of service, that may be varied as may be deemed most conducive to the object proposed, namely, the supplying and augmenting the regular army. The inclination of my mind is, that 7 years is the properest term. Seven years is a term familiar to this country, and nothing more than the generality of all apprenticeships to trades. I think it is also such a term as will combine that mixture of the service of the man, which the army would require, with the attractions, that will be necessary to induce him to enter it. After the first period of 7 years, I should propose that the soldier should have the privilege of his discharge, and all the advantages which are at present enjoyed by those who have served in the militia, such as the right of exercising his trade in any place where he may choose to settle. These should be all the advantages for the first period.—If the soldier should wish to renew his engagement for a second term of 7 years, I should then propose that in addition to these, he should have a small increase of pay, not so large as to do any injury to the service, and yet sufficient to form a mark of distinction. For this purpose, six-pence a week will, I think, be enough.—For the third period, it might be proper to have a farther increase of pay. But, reverting to the second period (on the suggestion of a friend near me); with regard to the second period, the soldier will again have a right to his discharge. I am speaking here of the infantry. For the cavalry, different terms may be fixed, perhaps 10 years for the first term, 6 for the second, and 5 for the last, as more time is necessary for training the cavalry, and still more for training the artillery. At the end of the second period it is the inclination of my mind, that the man should have a pension for life. At that time, undoubtedly, he might be perfectly entire and fit for further service, full of health and strength, and in the prime of life; but still, by going home in this condition, and holding out to all around him an instance of the advantages offered by the service, he would perhaps be of no less advantage, probably he might be of more, than if he had continued to serve for the third period. Invaluable as it would be to retain a soldier of this description in the service, it is infinitely more valuable that he should go back into the community, and exhibit a beneficial example in the enjoyment of the merited bounty of the county. The sum may be hereafter regulated. Whether any service should be required of them, and whether they should be at the option of the Chelsea board for home service in the garrison battalions, I shall leave to be hereafter determined.—For the third period I should propose an increase of pay of one shilling per week, for they would then be soldiers fully tried and worthy of having the highest confidence placed in them. At the end of the 21 years it is fit that they should retire with the full allowance of Chelsea, such as it has been settled by the late government and the commander-in-chief for those who have distinguished themselves in particular places, or have undergone particular services; such as those who have lost their sight in Egypt. By judicious regulations this allowance might be raised to a shilling a day. The men who shall entitle themselves to this allowance, shall be free from all further service in garrison battalions, or in any other line: and if they carry off robustness of frame and strength of constitution, so much the better. After being so long employed in the service of his country, it would be but fair to exempt the soldier from further service of any kind, and to allow him to return to the bosom of his friends and relations. The more capable he is of enjoying the reward of his services, the more striking his useful and honourable example will be. He may still promote the advantage of his little family by some trade or calling, and contribute essentially, by example, to spread a martial spirit throughout his neighbourhood. One thing I omitted to mention, and that is, the inconveniences that may be supposed to result from these regulations with respect to the Colonial service. In order to remedy or prevent any such inconveniences, a power may be vested in the commander of a regiment, or in him who may have the chief command on the station, to discharge the men at the end of their several periods as the case then may be, with this proviso, that in case of actual war they should be empowered to prolong the service of those whose term shall have expired, for six months, and no longer; at the end of which time they shall at all events be entitled to their discharge, be treated as the East-India company treat the troops in their service; that is, they shall be sent home at the expence of government with every possible accommodation.—These are the principal changes I propose to make in the condition of the soldier, and from these I look forward to the most beneficial effects. There are many subordinate changes, which I consider not so much matter of legislative provision as of military regulation, and which I conceive may be left with confidence to the illustrious personage at the head of the army.—There are many other provisions that may be calculated to raise the estimation in which the service is held, which may contribute to raise the consequence of the officers, and through them that of the men. These, however, I shall omit for the present; first, because it is not necessary to state them, and, secondly, because as they may be of a delicate nature, it may be improper to enter upon them till they can be mentioned in detail. Among these, however, I may certainly state the allowance to officers' widows, which I wish to make somewhat more than it is at present; the allowances now are so scanty, that the dispensation of them is really heart-breaking to those employed on that painful duty.—The principle of recruiting for a term of years, will of itself go far towards filling up the Army. To place the character of a soldier in a state that its own attractions may operate as a bounty, ought to be the great object of our consideration. We must increase and add to that respect which, amidst a thousand disadvantages, still renders the trade of a soldier attractive. Before I proceed further, I beg leave to observe, with respect to the cavalry and artillery, that the terms of service should be five, six, and ten years. This difference arises chiefly from the length of time, necessary for training and disciplining the cavalry and artillery in the first instance. These things will certainly operate in a considerable degree, generally and individually, on the recruiting service; but I despair of succeeding to the full extent required, until the Army is rendered worthy the attention of the lower orders, as a trade as beneficial in itself as others, and more respectable than many. Under the present circumstances, I cannot think of putting the Army on such a footing as would attract numbers by ordinary recruiting, but, in my opinion, the Army may be increased, and a quantum sufficit of men procured without much difficulty. With these observations, I leave this, which is the most material part of the subject.—(here Mr. Yorke asked, what was to be done with the present Army?) On a subject so complicated, one is apt to forget many things. It is asked, what I mean to do with the Army now existing? To this I answer, that in strict justice and in equity we can do nothing. The men who have already formed the regular service, have done so on certain conditions, and can have no ground of complaint, provided those conditions are fulfilled. We see men entering into the army of reserve, without producing any discontent or desertion in the troops of the line, though the service of the former is limited, and their bounties are excessively high.—It might be supposed, that the regular army would expect similar advantages, or be dissatisfied, yet we know that no envy or discontent prevails on that account. In the American war, the Fencible regiments received higher bounties for limited service, than others did for unlimited, and yet there was no complaint on the part of the latter. The same case occurs in every war, and as no discontent has ever been shown on this more obvious ground, it is not to be expected that any will be shewn with regard to the different length of the term of service. But though in justice and in equity the Army now in existence is entitled to no additional advantages, yet it may be, no doubt, expedient to extend to it some of the benefits of these changes. And first, I propose to make a great increase in the Chelsea allowance, to which I mean to make an immediate and considerable augmentation: The lowest class of pensioners to be entitled to *6d.* the next *9d.* and the third to *1s.* per day. This advance I should wish to take place immediately; from motives as well of just consideration of past services, as of policy to give immediate effect to the influence of the example. It will demonstrate to the men the concern which the country takes in their welfare, and will hold out an inducement for others to embark in the military profession. If this be done, and in my opinion, it ought to be done immediately, every man in the Army will see that he has a chance, however distant the period, of partaking in what the bounty of the nation has provided for its defenders, when they shall have merited the rewards from their long services. No man of those now in the service will be entitled to his release till after the expiration of 21 years; but all those who have now served 7 years and less than 14, will be immediately put upon the list of the *6d.* a week additional pay; and all those who have served 14 years and upwards, will be entitled to *1s.* a week additional pay. This is all that I shall do with regard to the Army which already exists, and it is to be regarded as a liberal boon, to which they could have no right by the conditions of their engagement.—Having answered the right hon. gent. (Mr. Yorke) as to the Army now in existence, I shall next proceed to that great branch of political science which circumstances, and the nature of the times have forced on our consideration; namely, what is to be done with that part of your population which does not exist in the shape of an Army? I am well aware of what weight, properly speaking, the physical force of a country is capable. But, it must be admitted, that the real military force has had an almost exclusive sway in determining the fate of nations. In modern history, there is scarcely a single instance of the mere population of a country assisting materially in its defence, except in the case of America; which, indeed, can scarcely be called an exception, for it must be recollected, that their success arose more from the great distance of America and its vast extent, than from any force which the American people could immediately bring against our army. It is evident that at a distance of more than 3000 miles, and across the Atlantic Ocean, the power of this country could not bear with full force upon the population of America; and, besides, from the vast extent of the country, the people could always retire from our armies, and by that means they were enabled to protract the war until habits perfectly military were acquired.—The instance of America will not, however, at all apply to Europe; certainly not to this country, where the population is cooped up within narrow limits, where they have no countries to retreat to, and where, consequently, they would soon be obliged to come to close contest. But although we cannot calculate on making exactly the same use of our population that the Americans did, yet it becomes a question of the most serious importance, how we are to derive the greatest possible advantage from it; how we can best bring it to bear against an invading army? I am confident, that if ever the contest should be brought to an issue, the people of this country would prove that they would not fall a sacrifice without a struggle, to an invading enemy. But, the question is here, what can be got from the loose part of your population in aid of the regular military force? and care must be taken, that what is got in aid of the regular force should not tend to weaken it. With respect to this point, different persons have entertained different opinions at different times. My opinions are, with a few alterations arising from circumstances, that is, *mutatis mutandis*, the same as before, and those opinions will be so found in the only records which we have of our proceedings, and which in the present instance, are at least more accurate than usual. I am ready to allow that the errors that have been fallen into on this subject in the first instance, might be in some instances the necessary result of the novelty of the case, and the difficulties in which it was involved. Nay, I am also ready to allow, that those who now have to improve and re-model our Military Establishments have the advantage of their experience, but, on the other hand, I have also to complain, that unfortunately they have not a clear, unincumbered ground to enter upon, and which circumstance cannot fail to add considerably to the difficulties they have to encounter. Perhaps their predecessors were obliged, at the sudden commencement of the war, to run into voluntary efforts from the pressing urgency of the occasion. For myself, my idea was, that every thing that was the most simple and obvious, should have been preferred to what was most complex and intricate. The situation of the country then was, that hearing of the great preparations made by the enemy to invade it, there was a unanimous spirit to resist the threatened invasion, and to frustrate the attempt of the enemy. The people were alarmed, but in no degree dispirited. As to their feelings, they might be said to be "*trepidi, non pavidi.*" There was a general ardour and zeal, and a strong wish to be serviceable, if only the means of being so were pointed out to them. In these circumstances, when others were speaking of compulsory service, I expressed my opinion, that when there was so much zeal and alacrity in the country, it would be far better first to try what could be done by voluntary service. Indeed the difficulties of carrying the compulsory enactments of the Levy en Masse act into force, were such, that it appeared to me much better first to try what voluntary service would do. Although that suggestion did not originally come from me, it certainly was not then in my contemplation that this voluntary spirit was to be employed in such a manner as it has been in the Volunteer corps which were afterwards formed. I saw that the spirit of the people was then at such a pitch, that they appeared only to demand of government, or of the house, "Tell us what we are to do to be useful to the country." Under these circumstances, it was my firm opinion, that the people should have immediately been allowed an opportunity of training themselves, under the instruction of officers from the regular army appointed for that purpose. I thought there should have been depôts of arms in every district, and, as I might say, shops of military instruction opened all over the country. Besides the assistance of the regular officers, I conceived that the zeal of the gentlemen of the country might assist powerfully in training the people to arms, both by their own example, and by giving small prizes for firing at marks. All this could have been done with infinitely less trouble, and infinitely less expence, than have been bestowed on the Volunteer system. At the same time I thought it was proper, that there should be armed associations of the better sort of people, entirely at their own expence; but it was not upon such armed associations that I conceived the country should principally rely in aid of its standing army. What I considered as much more likely to be effectual, was the mass of the people of the country trained to firing, with the neighbouring gentlemen, and military officers ready to combine them in whatever manner they could prove most destructive to the enemy. Although I did not rely on such a force, for giving battle to an invading army, yet I thought they might be brought into action in such a manner, as would fret, harass, and wear down an enemy. Independent of the mischief that I conceived they would do in action, I relied upon such a force as this, as one that was likely to afford an inexhaustible fund to recruit from.—Such were my ideas at the commencement of the present war, of the manner in which the zeal and spirit of the people might have been rendered most useful in the defence of the country. As an experiment, nothing could have been cheaper, for there would have been no occasion for all those distinctions and military trappings which formed so considerable a part of the expence of the Volunteer system, as it was afterwards established. Instead, however, of the system which I proposed, the country from one end to the other was all thrown into Volunteer Corps. This mistake was not the fault of the people, but of the government. The desire of the nation was, " Tell us what we are to do?" but when nobody told them, it was highly natural for the people, when left to themselves, to say, " Let us imitate the soldiers, and dress ourselves, and train ourselves as they do; let us learn the manœuvres they practise." After the Volunteer corps were so formed, the great man (Mr. Pitt), whose opinions were always to be heard with deference, maintained, that those corps might, with care and instruction, be brought into the shape of a regular army, and act as regular troops. Whether the institution of the Volunteer corps had first taken place, and this opinion of their efficacy followed, or whether the institution was framed on any pre-conceived opinion, that they would arrive at such a state of discipline, is a point which I shall not pretend to determine. It, however, always appeared to me, that it was a most impracticable project to attempt to bring those masses of men, who had neither the habits nor the feelings of soldiers, who were not inured to hardship, or accustomed to military discipline and subordination, to act either with regulars or directly against a regular enemy. That right hon. gent. (Mr. Pitt), in speaking of what he expected from the Volunteer force, said, they would be able " to push the invaders into the sea." This was an expression which I am persuaded proceeded more from his heart than his judgment, and might have proved fatal to the country. It was, however, a most dangerous error in judgment to suppose, that, because a body of men appeared well to the eye, or made a tolerable show upon a parade, that they were, on that account, to be relied on as effective soldiers; and I am much surprised indeed at the number of inspecting officers who have returned those corps as fit to act with regular troops. In my judgment, it would have been impossible they could ever have acted with a regular army, because, being officered in the manner they are, the regular army never could place that implicit confidence in them, which is absolutely necessary to make one species of troops act effectually with others of a different kind. The Volunteers might be well trained, they might be good soldiers, they might positively know themselves to be so, but then it was also necessary that the commanders of the regular army should be equally sensible of this also:

> Scire tuum nihil est, nisi te scire hoc sciat alter.

If ever we attempted to do this, and put them to act with the regular army, I fear the fate of the country would be decided; for I cannot possibly conceive, that the enemy would desire any thing better than that the country should trust its defence to the Volunteer corps. If the Volunteers were to be opposed to the attack of a regular invading army, it is impossible not to suppose that many must fall, though many would do their duty. A man may be in himself fully capable of doing what is right, but he may be infected with the bad example of those about him. As for courage, or confidence, it is well known, that in an army it is not sufficient to have confidence in oneself, it is also necessary to have confidence in one's neighbours. It is like the defence of a long line, which, if broken through in any point, the valour with which other points are defended will be of little consequence. If a regular regiment were to come into action, it cannot be supposed that their confidence would be the same if they were flanked by a corps of Volunteers, as it would be if they saw on their flank, the 14th, the 28th, the 17th, the 42d, or any of those brave and well tried regiments that have distinguished themselves in the service of their country. I do not, however, deny that essential services may be derived from the Volunteers, even under the present system. In the first place, they are enrolled, and I consider the very circumstance of enrolment as a great foundation of strength, because in that they have given a pledge to their country, and to each other, that they are to be found whenever their attendance shall be absolutely necessary. In the second place, they have been trained, and even in the manner they have been trained, many of them may, in time, be made extremely useful under the direction of an able general. They must, however, purge off a great deal of their grosser stuff, before they can well be brought into action. There are many individuals who entered into those corps from the best of motives, and from the most laudable intentions to serve their country, but whose age, whose constitutions, and whose habits of life, render them altogether unfit for the active duties of real service against an enemy. My general objections to the present mode of dividing the country into Volunteer corps, were, first, the immense expence of the system on its present foundation; and secondly, I conceived it intercepted and locked up in corps, which could not be brought against an enemy, men who by another distribution might be brought against them in the regular army. I therefore thought that the system was like throwing good money after bad, and that it never could succeed. I wished, however, that there should be many voluntary associations of the better sort of people, armed and disciplined at their own expence; but as to the great mass of the people, artisans and peasants, I did not wish that they should be locked up in those corps, but would rather have had them loose, so that they might be attached to others of greater consequence. The mass of the people I wished to see loosely trained, and only so far as to be able soon to take their place as recruits in the ranks of the regular army. A training of that description would also have been sufficient to make them very formidable to an enemy, as an armed peasanty, under the direction of intelligent officers; and in either of those ways I thought they would contribute much more to the defence and security of the country, than by their being placed in Volunteer corps. This was my view of the matter; but the system that has been followed, goes to include all volunteer exertions in Volunteer corps. The first objection made, most probably will be, that the expence of such a system will be too heavy. Granting, for argument-sake, the truth of the objection, what is the expence compared to the preservation of the independence of the country? But, it is idle to talk of the expences which new-modelling the military system will create, compared with that of maintaining only the Volunteer Establishment. It is a fact that during the three years and a half that this system has existed, it has cost government no less than five millions sterling in allowances to the Volunteers. The expence that the Volunteers have themselves gone to, and the various subscriptions and contributions that have been made in aid of the system, amount to at least as much more. I am stating it below the mark, when I say, that the security which the country has derived from the Volunteers for the last three years and a half has been purchased at the enormous expence of above ten millions sterling, besides the depriving our more efficient descriptions of force of many men who would otherwise have entered into them. The expence of the Volunteers then has been nearly equal to the whole of the Property Tax for a year. Great as this expence is, had it produced as much security as could have been procured for the same money in any other way, there would now be no occasion to attempt to change it. In considering, however, the best way of deriving advantage from the assistance of the population of the country, without citing the example of the Tyrolean peasantry, or the peasantry of any other country, I conceive the general question to be, whether it is better that the mass of the people should be loose and unattached, but under the idea of their being liable to be attached, if necessary, to any corps that his majesty, in the exercise of his royal prerogative, may think most proper, or whether they should be put into Volunteer corps under the idea that they are not to be attached to any other body? I again repeat that my wish was, that the Volunteer corps should consist of a higher class of life, of a better condition, of such a description as it would not be proper to mix with soldiers of the line, and whom no one would wish to see obliged to serve in the condition of a common soldier in a regular regiment, but that the great body of the peasantry, that description of men from whom the regular army ought to be recruited, should not be shut up in those Volunteer Corps. Could I realize my wish to see the great mass of the population of the country so far trained, as to be able, either to act as an armed peasantry, or to recruit immediately whatever losses the regular army might receive in action, then, indeed, I should consider the country as invincible. Should its armies receive a check, it could immediately repair the disaster, and would rise like Antæus, when flung to the earth, with redoubled vigour. The certainty of immediately repairing our losses, while the invaders could not repair theirs, would inevitably turn the victory in our favour. Suppose five regular regiments were to lose 1000 men in a battle with the enemy, I contend that those regiments would be much stronger if they were filled up with recruits such as I have described, than if a regiment consisting of 1000 men were to come up to their support in their skeleton state. These are the ideas that govern me, and on which a wise and permanent system may be established gradually, for I am no friend to sudden change; the Volunteers may gradually be brought to the state described in 1798, in a letter of lord Grenville to the lords lieutenants of counties: I mean, that state which would give the country, men of a better condition, and supported at their own expence. In order to effect this purpose, there would be no necessity for any violent measures or severe compulsion. I should propose a very different course from what has been hitherto adopted: instead of requiring a rigid discipline from the people, I should propose that sort of training which will be very easy for them to acquire, and which will answer all the purposes I have stated. Now, to bring things to this state, the first object is, to reduce the scarcely tolerable expence of the Volunteer system. No longer looking to the Volunteers for assistance in the field to the regular force of the Army, I shall propose to relax their discipline, and retrench their allowance. I shall leave their allowances infinitely above what they ought to be, though much below what they now are. Now, upon this plan of refusing pay to the Volunteers, leaving them at the same time some privileges, I am aware, that the effect will be a very considerable reduction of that force. I do not wish to do this suddenly, till some other force can be provided in its stead; but, the reduction of the Volunteers is not like the reduction of a regular regiment. When you reduce a regular regiment, it is annihilated; but when you reduce a Volunteer Corps, you have the men on the spot still, and however valuable they may be, that value is not reduced. But at the same time, out of regard to the public feeling, and to other circumstances, it may not be desirable to reduce these corps suddenly, but this, however, is not to prevent the reduction of the great expence in maintaining them. For if these expences were to continue, they would rise much higher than they have hitherto done, because the subscription funds are gone, and the corps must lean more and more on the government, as is generally the case when government enters into partnership with any private bodies or individuals. Government must at last be at the whole expence, because their funds were not, perhaps, regarded by the Volunteers themselves as a permanent resource; and if the Volunteers were to continue as they are at present, the expence of the next 3 years and a half would be double what it was in the former period. Now, looking to this situation of the Volunteers, that they should be liable to serve at their own expence, and that the rest of the people should be loosely trained, the lessening of the expence may be the means of the reduction of the Volunteers, and putting things on the footing on which I wish to see them placed. Why, then, this brings us to the question of training; and once indeed such a system of volunteering as I propose, and the training of the mass of the population, might have gone on side by side; but since the present system has been established, the training cannot be voluntarily conducted, and the only alternative is to have recourse to compulsion. All, therefore, that can be done in this case is to make the compulsion as light as possible. (A cry of hear! hear!) The gentlemen on the other side may cry hear! hear! but they may be assured that I do not like this one jot the better for coming from their shop. While they were on the treasury side of the house, they may remember how many compulsory acts they passed, how the whole smithry was at work, how they laboured about the armour of Mars like a set of Cyclops, more blind than their one-eyed brethren, till they locked the country in armour, so cumbrous and clumsy that it was unable to stir hand or foot—

> " For never did the Cyclops' hammers fall,
> " On Mars's armour, forg'd for proof eterne;
> " With greater force."

I can assure the gentlemen, that my fetters shall not be like theirs. It is one of the advantages of my plan, that it can be easily got rid of. The compulsion that I propose, goes merely to the point of training, and that at their own homes, and only for the space of one year; and the discipline necessary to enforce this training, shall be made as mild and as voluntary as possible. It may be said, that I here follow the steps of the right hon. gent. over the way (Mr. Yorke), and that I tread on old foundations. The basis of the scheme which I am proposing is undoubtedly the same with that act which pretty nearly fits the present building; I mean the Levy en Masse act. I partly blamed that act and partly approved of it. That act says, that the people shall be compellable to train as an intermediate duty, and compellable to serve in case of invasion. I so far approve of it now, and I approved of it then. I concurred in the commutation for voluntary service, though that afterward took a wrong shape. My plan will give a preference to voluntary training, but with a power of resorting to compulsion if necessary. It will also go to assert the king's prerogative right to every man's service in case of invasion. It will exclude the exceptionable part of that act, the training of all classes together. This objection was one of my reasons for preferring voluntary service to the Levy en Masse, though that voluntary service soon after took a false shape. The first part of the reduction I shall propose in the Volunteer expences, will be a change of the June allowances to the August allowances; of a training of 85 days, to a training of 26 days. The total reduction that will be thus made, on the estimate of this year, which is 1,479,000*l.* exclusive of cloathing, which is 347,000*l.*, will be 807,000*l.* The allowance to the yeomanry will also be considerably reduced. The reduction of the officers' pay, in the substitution of the August establishment, will be 210,000*l.* A reduction of the allowances and pay to drill serjeants, the present number of whom is far beyond what is necessary, will amount to 54,700*l.* Under the head of Permanent Duty, a reduction of no less than 300,000*l.* may be made. It is the unanimous opinion of persons conversant in military affairs, that the expence of the inspecting field-officers may be spared, and that their duty may be as well executed by the lords lieutenants, or the civil officers under them. This will yield a saving of 35,000*l.* To all which are to be added, the payments by the receivers general for marching guineas amounting to 198,000*l.* making a total reduction of 807,700*l.* These reductions which are of considerable importance, I propose without any hostility whatever to the Volunteers, but, to begin that retrenchment of expence, which would soon become enormous from the constitution and nature of the Volunteer system at present, and with a view to the necessary improvement of the military state of the country. The Volunteer bodies will still be preserved, at least with regard to all who serve without any idea of what is to be got. The continuance of the system will afford a more desirable mode for training to those who may be unwilling to be trained in the mass, and this opportunity will be to them a sufficient reward. With respect to Volunteers who may henceforth enter, government will not allow any thing but arms. With regard to those now established, it is but equitable they should be exempt from the immediate operation of the new system, but I wish it to be understood, that though they may receive pay and clothing this year, government do not engage to provide it in the next. Nothing in future shall exempt any man from the general training, but his becoming a Volunteer at his own expence, the advantage of which will be that he can train himself if he chooses, and fight if occasion require it, in the corps to which he shall belong, instead of being liable to fall in among the regulars. With respect to the mode of compulsion, if compulsion should be necessary to carry the training into effect, selections may be made of that portion of the mass trained in every year, for the training of the whole would be, if not impracticable, at least inconvenient: for, out of the immense mass of general population, some selection must be made; and for the purpose of making this selection, I know of no way more preferable than to do it by the way of Lot, a term which I prefer to the odious one of Ballot. This is unavoidable. Suppose you have 200,000 to train, if you cannot take the whole of your proportion, why then there is no other way to choose than by the ballot. That species of lot familiarly called Ballot, seems to me to be the most convenient. I would have the people divided into three classes, between the age of 16 and 40. The first class to comprehend all from 16 to 24; the second from 24 to 32; and the third all from 32 to 40. I should propose that a discretionary power should be vested in the crown to call out such classes as from the emergency of the case might to the government appear proper, and in such parts of the kingdom, as it should find necessary, according to the imminence of the danger. The act I should think ought to be annual, that whatever errors should be found in it, they might be speedily remedied. As a farther mitigation of the compulsion, I would still follow the steps of the right hon. gent., and if any should voluntarily offer themselves to be trained, the operation of the ballot should be so far diminished. The number of days for training I should limit to 26, with an allowance of no more than a shilling each time, as a compensation for their half-day's work. Voluntary trainings are to be accepted at the discretion of the officers, and to go in diminution of the ballot. I do not mean to propose that there should be any particular cloth or dress, or that the men should be embodied; but it will be left to the power of the crown to collect them together in some town or place, in 14 days, for the purpose of more speedy training, and those who absent themselves from training on any other ground, than that of their belonging to Volunteer Corps, to pay a small fine. The training I wish to be performed by detachments of militia, and of the regulars now nominally connected with the counties. By this they will gain a real connection, which will enable them to recruit much better, than by means of parish officers. They will exert themselves in the training, in the hope of afterwards getting the men in their own regiments. I shall also beg leave to propose, by way of mitigation of the act of training, that if a sufficient number of persons volunteer for training, the act shall not be carried into effect, and also that if the whole number required should not volunteer, yet that a diminution of the number liable to training under the act, shall be allowed in proportion to the number who volunteered themselves. The plan I propose, will employ to advantage the officers appointed to the 57 battalions, before a man was raised, and who stood waiting and gaping for them like oysters at ebb tide. But the officers who have been appointed to these battalions with such inconvenience to the service, cannot be sent adrift without hardship. The officers of these skeleton battalions will now be turned into good pasture and have an opportunity of getting some flesh on their bones. The bill which professed to create the 57 battalions, has not had the effect of raising them. All that has been done by the Additional Defence bill has been, at the very utmost, to supply about 9000 men to the line. All that can be expected from it, if it was to continue in full vigour, is a supply of as many every year, and that in a very bad way.—With regard to the Militia, though in its original constitution it cannot be ranked under the head of the regular army, yet, it is now carried to such perfection that it must be considered as our army for home defence, and as fully adequate to that object. The Militia may now be considered as part of the regular army, and for home service is certainly equal to any part of our force, with the single exception, that it never has seen actual service, and if it should have to meet the enemy's attack on British ground, the battle in which it would have to fight for the existence of the country would be the first it would have seen. With respect to the militia, I shall not therefore meddle with it any farther than to continue the suspension already existing, and instead of raising men by ballot, to raise them by the mode of recruiting at a limited bounty. Whether at a future period it may not be politic to diminish this department of our military establishment, will be a fit subject for subsequent consideration; but I would certainly recommend recruiting for this service on the scheme projected in Ireland, and at a limited bounty. A measure has been suggested, which has at last been settled, at least by a sort of common consent, that the Irish militia should be permitted to enlist in the line; this I am disposed to promote, by some regular and permanent arrangement, if, in conjunction with the

Irish government, the plan should be approved of.—I must again shortly revert to the Volunteers; for in the great variety of matter to which my attention has been necessarily directed, I have found it difficult to assign to every observation its exact place. With regard to the Volunteers, the allowance for clothing may continue for one year more; but I wish it to be clearly understood that there is no engagement whatever on the part of government, that this is to continue for the next year. There is one other topic which I had almost forgot, and that is the rank granted to the Volunteer officers. There never was such monstrous injustice done to any body of men, as has been done to the regular army in granting rank to the Volunteer officers. If the officers of the line are not to have command in their own peculiar province, in God's name where are they? To what new state of humiliation are they to be next exposed? What should we think of such a proceeding in other cases? What would the learned gent. over the way (Mr. Perceval) say to one who should take precedence of him at the bar, merely because he had a larger fortune, and, perhaps, when he had no fortune at all? If we do not give officers these distinctions, what are we to give them? Their pay is certainly not profuse, nor have they much in their profession to recommend it, except the honours attached to it. There never was such an outrage as that offered to the regular officers. What would the hon. officer opposite (general Tarleton) think, if a man in a red coat were, addressing him, to say, he was the son of a nobleman having rank in a Volunteer corps, and therefore expected he (the general) should bow to his opinion on military affairs? Is a young lieutenant, whose parents may happen to possess abundance of wealth, to be permitted to say to his superior officers, "I will buy you all out, and take the command of the regiment?" Is the sensibility of the regular army to be so severely wounded? and what, I ask, is the advantage to be gained by this violation of individual honour? Is a gentleman, who has distinguished himself in the most dangerous services, to be placed under the controul of a man utterly ignorant of the duties of the profession of arms, and who has experienced none of the perils and suffering to which that honourable occupation is exposed? In future I would recommend that no Volunteer should hold a higher rank than that of captain; that is, that no officer of the line of a higher rank than that of captain, nor any captain commanding a corps, shall be commanded by an officer of Volunteers.—These, sir, are the principles from the adoption of which I look for a permanent and great supply to the regular army. On the other hand, our population will be prepared to harass the enemy on his march, and nearly every individual of the country will be prepared to fill the station of the man who shall fall, at least he will be so far trained as to make a soldier in a very little time. This measure, if authority were wanting to recommend it, is calculated to do what was recommended by the eminent statesman we have lost. It is calculated to obtain that point most desirable for the country—to get our whole population gradually into that trained state, in which every one would be capable of being made a complete soldier in a very short time and with very little trouble. The measure I propose, will give one general training. It will give it with very little trouble, and without taking the men from their homes. It will give it by portions without much expence, and commutable for voluntary service in a corps. It is to be but an annual measure, in order that the opportunity of revision and amendment may recur as often as possible. Compulsion will have no place in the system, unless it should become indispensable. As to the operation of the measure; so little do I look to it for immediate effect, that I expect the seed will be some time in the ground before it shews a blade. I promise no rapid growth. I do not profess to be able instantly to remedy the evil. When things have been so long going wrong, it is unfair to expect a nostrum that shall without delay cure the disorder. The number to be raised under the Levy en Masse will, I should conceive, be about 200,000 men; with regard to the bounties, I do not conceive that an immediate operation ought, under the present circumstances, to be expected, but, they will, in the language of 'Change, be "looking down." I trust the measure will tend to reduce the present exorbitant bounties. I do not mean to state that the measure now proposed is one of more confidence than others, but I hope it will wear well. I have now, sir, only to return my thanks to the house for the indulgence afforded me during the long time I have trespassed on its attention, and shall conclude by moving, for leave to bring in a bill to repeal the act passed in the 44th of his majesty, called the Additional Force bill. The question being put, Lord *Castlereagh* rose and spoke as follows:—Sir; however widely I may differ in opinion from the right hon. gentleman, in most of the positions and conclusions which he has laid down, it is not my intention to resist the introduction of any of those bills of which he has given notice, and which are calculated to develope the system which he has this night opened to the house; neither is it my intention at present to follow him through the details of his long and elaborate statement. Future opportunities will be afforded, better adapted for such discussions. It is impossible, however, upon a subject of such importance, more especially after the manner in which it has been treated by the right hon. gentleman, to suffer the present question to be put, without troubling the house with some general observations on the outline of the proposed alterations in the military system of the country.—The declaration with which the right hon. gent. commenced his speech, viz. that the state in which he found the military establishment, on coming into office, was such as to leave him no other alternative but to occupy himself with its immediate revision, has left me no other choice but to intrude myself on the attention of the house; and as an aggravation of this provocation, he has chosen to attribute the surprize expressed by several of my hon. friends near me, as well as myself, on more than one occasion, at the yet unexplained and unintelligible delay which has occurred in the production of his scheme, to a consciousness on our part that the military defence of the country was left by the late government in a state so defective, as to demand, not only a systematic but an immediate reform. So thoroughly convinced am I that the assumption on which the right hon. gent. proceeds is wholly destitute of foundation, that I must beg leave briefly to state to the house what the actual state of the military establishments was when they passed into the hands of the new government. Having preceded the right hon. gent. in the situation he now fills, and having under the superintendance and guidance of my late right hon. friend latterly administered the war department of the government, I feel it due not only to myself but to the house, to bring before them such a statement of the actual situation in which we left the public force, as may enable them to judge as well of the truth of the charge which the right hon. gent. has ventured to make, as of the necessity or expediency of the change which he has thought fit to propose. I am additionally impelled to do so from the anxious desire I must feel to discharge what appears to me a duty to my late right hon. friend. To no subject had his attention and exertions been more anxiously directed during the latter years of his public life, than to the formation of an improved military system, adapted to the exigencies of the times in which we live. It is impossible I should not feel an attempt to depreciate and unjustly to degrade every thing he had done with this view, as a heavy censure against his government, and a most injurious reflection upon his memory. In this, as in every leading feature of his political life, his fame will, I am sure, be found inseparably interwoven with the best interests of his country; it will be impossible for the right hon. gent. to wound the former without exposing the latter; and I am convinced, more especially on a subject which for such a space of time continued to occupy the undivided attention of his unerring mind, that I shall also best discharge my public duty by yielding to the desire I personally feel to have his exertions in the public service fairly understood, and appreciated by the house. In discussing this question, there are some general principles upon which it will be impossible, I apprehend, even for the right hon. gent. and myself to differ. It cannot but be considered as a serious misfortune for any country to find itself compelled to undertake a fundamental revision of any of its leading establishments. If this remark is generally true, it is not less true with respect to its military establishment, and at no time so peculiarly true as in the midst of war, and possibly at the eve of a contest to be maintained on our own ground with a formidable enemy for the existence of the country. The house must feel that in no slight case ought parliament to be called on at such a moment to bring into doubt and question every part of its military system, to paralyze the exertions of some of the main branches of our public force, as well as the measures already approved and adopted by parliament for the increase of the army. During the protracted period which such a discussion must necessarily occupy, and the doubts it must occasion, can the house, or the right hon. gent. expect that the same energy and spirit will pervade the public force? The army impatiently waiting to know the extent of the indulgences which are hereafter to attach to the profession of a soldier (an expectation hazardous to excite, in proportion as it is difficult to satisfy); the militia, to know the extent of the right hon. gent.'s designs for reducing a force, he has hitherto rather tolerated than approved; the volunteers, whether they are to be doomed to a lingering or an immediate dissolution? In the midst of such a complicated and extensive enquiry, can the right hon. gent. or his majesty's other ministers, be equally qualified to discharge their many other pressing duties? Occupied as his mind has been for the two last months in projects of reform, the right hon. gent. may possibly have forgot that he had any other enemy to contend with than the opposers of his military schemes, or that he had any army within his grasp, which could be turned to the annoyance of our real enemy. I press these considerations to shew that parliament, before it enters upon a task in many respects both difficult and perilous, should require those who propose it to make out to their satisfaction a case, if not of inevitable necessity, at least of strong and evident expediency, before they call for their interposition to the extent claimed. The right hon. gent. in opening the question to the house, has been wholly silent on the present actual amount and composition of the army. He has been as little explicit in stating to the house the points in which he considered it to be inadequate, and the extent to which he proposes to carry it. He has, however, generally laid down the expediency of endeavouring to obtain some considerable increase of that force: in this principle I cordially agree with him. The right hon. gent. has not denied that the quality of the regular army, so far as it goes, is unexceptionable on this highly-gratifying consideration; it is certainly only to discharge a debt of justice to the illustrious personage who now presides, so much to his own honour, over that army, to bear testimony to the zeal and indefatigable exertions with which he has, for a series of years past, followed up its improvement. At no period of our history has the science, uniformity, and discipline of the army, been comparable to what it now is; and I am sure I speak the sentiments of the profession at large when I assert, that to the present commander-in-chief the British army is indebted for more solid improvement than to any, or I might say to all those who have preceded him in that distinguished trust. But to return to the present state of the army in point of numbers, and that the house may fairly estimate the merits of that system, by the operation of which it has been brought to its present standard, I am desirous of comparing the amount and composition of the army as it stood on the 1st of Jan. 1804, being the half-yearly period in the papers on the table, which immediately preceded Mr. Pitt's last return to government, with that of the army as it now stands. I select those periods, not to disparage in any degree the meritorious exertions of those who preceded him in office, whose measures for the increase and improvement of the army I shall always contend were highly vigorous and productive, but as forming the best criterion by which the effect of that system, which it is now proposed to explode and abrogate, can best be judged of. Including militia and artillery, the gross strength of the army at home and abroad stood as follows in effective rank and file:

1st Jan. 1804, - - -	234,005
1st March 1806, - - -	267,554
Increase -	33,549

The regular army, including artillery, as distinguished from the militia:

1st Jan. 1804, - - -	148,486
1st March 1806, - - -	192,372
Increase -	43,886

The regular army disposable for general service:

1st Jan. 1804, - - -	115,947
1st March 1806, - - -	165,790
Increase -	49,843

This statement, I trust, will establish to the satisfaction of the house the important increase in gross strength which our army has received during the last two years—they will likewise observe, whilst the numbers of the militia have been reduced, that the relative strength of the regular army has been advanced, and that the increase in the disposable branch of the regular army has been still more marked, being not less than 49,843 men, or nearly that of one-half. Whilst I concur with the right hon. gent. in deeming a further augmentation of our force necessary under the present circumstances of the country, comparing the present amount with that at which it formerly stood when at the highest, it is impossible for the right hon. gent. to depreciate either the high condition of our existing establishment, or the system by which it has been so rapidly augmented and improved.

1st Jan. 1802,	242,440
1st March 1806,	267,554
Present army more than at any former period,	25,114

Such being the actual strength and composition of the army, the next point to be ascertained is the annual waste to which the army may be deemed subject, and the presumable supply of recruits which may be reckoned on for filling up the casualties therein, and carrying the army forward to a still higher standard. Excluding the militia from our consideration in this view of the subject, and confining it to the regular army alone, by the returns before the house, it appears, that independent of any considerable loss of men sustained in the field, the annual average of deaths, desertions, and discharges, for the last six years, may be stated at about 15,000 men on our present numbers; upon a like average of years, the ordinary recruiting in Europe for the regular army, exclusive of any extraordinary measures of supply, such as the reserve and additional force acts, has hardly ever sufficed to cover the actual waste of the army, independent of the augmented loss which may be expected, should any active operations on an extended scale be undertaken. We must therefore submit to have our army remain stationary, if not fall back in point of numbers, unless we avail ourselves of some extraordinary means of procuring a supply of men over and above what ordinary recruiting has yet been found to furnish, which has continued for several years past to produce not more than from 11 to 14 thousand men a year, exclusive of foreign recruiting, little apparently affected by the operation of the several measures of competition and high bounties, however much its success, according to all just reasoning, ought to have been influenced by these causes.—Before I state the resources on which his majesty's late ministers relied for an augmentation of the army, it may be right to mention, that it was not intended, at least for the present, to propose to parliament to vote the army on a higher establishment in point of numbers than it was taken at in the last year, but it was their sanguine expectation, that in the course of the next year they would be able to add not less than 25,000 men to its effective strength, by which the present deficiencies of 43,000 men would be reduced more nearly to that amount, which must always be expected to exist, for obvious reasons, in the establishments of all armies.—Their chief reliance for effecting this important object was on the additional force act, under an improved management; which bill it is now intended to repeal without substituting any visible measure whatever of supply in its place. An augmentation of about 8,000 men to the Irish militia was some time since ordered, and is in progress of levy, coupled with an arrangement to be submitted to parliament, by which we had every prospect of procuring for the line a supply annually of about 4,000 men, to be replaced on their volunteering from the militia regiments at the public expence. I am rejoiced that it is the intention of the right hon. gent., however little I could have expected it from his past sentiments, upon rendering the militia auxiliary to the augmentation of the regular army, not to throw out of his hands this valuable, though, in comparison with our wants, very limited resource. But the main expectation of the late government for augmenting the army, rested on the bill in question, which gentlemen on the other side, from its augmented produce, will find it difficult any longer to denominate inefficient. It will be for the house seriously to weigh hereafter, when the information is printed and laid before them, what the value of that measure really is, in prospect as a supply to the army, if steadily fostered and supported, and I trust they will coolly compare even its present very imperfect produce with any thing that can be hoped for from the merely speculative substitute on which the right hon. gent. builds for replacing it, viz. his proposition for altering the term of the soldier's service, accompanied with measures for the improvement of his condition. The bill in question has hitherto been tried under every possible disadvantage. The house will shortly have before them a most valuable body of information on this subject, in the reports from the several inspecting field-officers who have completed a progress through the several counties. I shall only at present request the pointed attention of the house to these reports, formed upon a personal communication with all the parish-officers of the kingdom, and stating upon their authorities the causes which have hitherto impeded the execution of the act, the impediments that yet stand in the way of its execution, and the hopes that may fairly be entertained, with due pains, that the measure may be rendered adequate to all its objects. I shall only now generally state, that previous to the adoption of this inspection through a great proportion of the kingdom, the parish-officers were supine, and wholly ignorant of their duty, or of the provisions of the act; in many places they had imagined government would be better pleased to receive fines than men; they had understood the men were to be raised at the expence of the parishes, and not of the treasury; and that upon the whole it was better to pay the penalty of twenty pounds at once, and be released from all further claims, than to pay a bounty of twelve guineas for a recruit, and to remain answerable for replacing him in case he deserted. The house will be informed of the disposition generally shewn by the parish-officers to profit by the information thus given them, and they will observe from the time this inspection took place, to the present time, being a period of not more than ten weeks, that the bill has produced above 300 men a week, although the prospect of its repeal has been counteracting its operation during the whole of that period.—I only wish the house to consider, if, under so defective a management, this bill has already furnished the army with about 13,000 men, and is now steadily producing at the rate of above 16,000 men a year, what might not be hoped for from it, when, instead of being hardly yet put into force in one half of the counties in the kingdom, it shall be gradually brought into general operation? I must also request, that as a measure of pressure in point of charge on the country, the house will only compare its effects with either the militia or the army of reserve, and advert particularly to the fact, that differing from all other measures for obtaining men, by due exertion, the districts may discharge themselves, by finding the men, free from all expence whatever.—On the increased and increasing produce of this bill, with some slight alterations, which experience had suggested for its improvement, we confidently relied for the increase of the regular army, and the extension of the disposable branch of it; these alterations were few and simple, principally the opening to the parishes a larger district for the levy of their men, accompanied by a regulation, by which the parish officer should be enabled, if the recruit chose at once to take the higher bounty, and engage for general, rather than limited service, to engage him accordingly, being themselves of course entitled to the increased reward to which those levying men for general service are now entitled. This, coupled with some diminution of the bounty on the transfer from limited to unlimited service, diminishing thereby the temptation to persons meaning ultimately to enter for general service, passing intermediately through the limited service, and allowing the parishes three months instead of one to produce their men, before the penalties attached, it was conceived would facilitate the parishes in raising their quotas without encroaching on the general recruiting of the army, or inducing those to enter into the limited service, who could be induced by the higher bounty at once to engage for general service. With these and some other alterations, calculated to improve the operation of the measure, it was the intention of my late right hon. friend to rest satisfied during the war: had he lived to conduct the public affairs till a peace, it certainly was in his contemplation then to revise the system generally, and to make it more applicable to one of its main objects, namely, the preserving at all times that portion of the army for limited service in such a state, in time of peace, though disbanded, as to afford an immediate resource to the country at the very outset of any future war. Peace he considered as the first moment which could justify any fundamental change in a system, which had proved itself so mainly adequate, and there was nothing he more seriously deprecated than extensive alterations or further experiments during the war.—The right hon. gentleman proceeding on the opposite principle, seems determined to leave nothing untouched; the form, shape, or extent of every branch of the service is to undergo revision, and to be subjected to change. To the large supply of men rapidly wanted for the extension of our present force; to the chasm which is already occasioned in the army by inevitable casualties liable to be much increased, should the troops be more employed in the field, he has thought fit to add the progressive defalcation which must be occasioned by suffering the militia to waste down to the very low establishment of thirty thousand men, being eighteen thousand for England alone below its present standard; he also desires now to lay the foundation of a heavy annual loss of strength, which must be occasioned hereafter in the army, when the measure for limiting the term of service shall begin to operate; and what does he propose to cover or counteract this obvious and formidable sacrifice of force? absolutely nothing but his speculative assurance that more recruits will be obtained under his new system, although no change in the mode of recruiting is spoken of; and upon this ground alone, the solidity of which I shall hereafter examine, he calls upon parliament, in the midst of war, to give up a present annual supply of sixteen thousand men, capable of considerable extension, and to concur with him in adopting innovations the most serious in the constitution of the army.—To the principle of improving the condition of the soldier distinct from the proposed change in the terms of his enlistment, if applied with prudence, I am far from having any objection. So far as we can, within the limits of a rational œconomy, ameliorate the condition of the soldier, and more particularly if we can, without immediate prejudice to his discipline, hold out to him rewards to increase in proportion as his length of faithful service may add to his claim upon the liberality of the country; I am of opinion that the scheme is wise in itself, and may be productive of some good, though I conceive the right hon. gent. is disposed to expect much more from its immediate effect, in inducing men to enter into the army, than either the value of the temptation, or the remoteness of its operation, will in any degree warrant. Whatever may be, however, its effects, it is unobjectionable in principle: but I must beg the house to recollect, that it is quite as applicable to an army enlisted as ours now is, as if the proposed change had been effected, and that it is in no degree requisite to alter the term of service of the soldier in order to give operation to this part of the plan; on the contrary, I conceive it might be added with some effect as a further temptation to men to enter into the army.—The alteration of the term of the soldier's enlistment is a very different question, and perhaps amongst the most serious and delicate in its bearings, which parliament has ever been called on to discuss; it is impossible not to feel it to be the more critical, as it is one of those great changes of system, which once made, especially on the principles contended for, cannot be undone. Urged as this measure has frequently been by several of those who support it, particularly by the right hon. gent. (Mr. Fox), on grounds connected with the individual freedom of the subject, I fear it is precisely one of those steps, from which, if taken in error, we cannot recede: and I do therefore hope, whatever may have been the sanction given to this scheme by individual opinions of great authority, that the house will cautiously weigh the grounds on which it is urged and the effects to be expected from it, before they commit themselves to so serious, and, in my judgment, so fatal an innovation in the constitution of the British army. I own, much as I look with apprehension to the introduction of this vital change into the service, my objections are infinitely increased if the right hon. gent. should persist in excluding the existing army from its application, whatever may be the precise terms of their present contract, where a great change is to be wrought in the situation of a soldier, as it is described, though I think untruly, as redeeming him from a sort of bondage. Every wise principle of liberality and policy requires, that the principle should be applied, under proper qualifications, to those who have the additional claim upon our favour, of not having been held back by any consideration of a personal nature from engaging in the service of their country. Can the right hon. gent. mean to act towards the British army on principles of less liberality than the Austrian government did in the year 1802, on a similar occasion, towards the Austrian army? It surely cannot be wise to suffer distinctions to remain, capable of being represented as invidious, and which might have a tendency to introduce discontent and dissatisfaction into an army less subordinate and obedient than ours is. It is said, different corps in the army have at all times served on different conditions and terms of service. True it is that different regiments have; but I believe the men within the same regiment never have, without the most serious inconvenience. But this cannot be looked on as any ordinary change, or made on any ordinary considerations. It is intended as a great moral change in the soldier's situation, and to be held out to the country as such. Surely then, if it is fit to be acted upon at all, it ought to be made at least progressively to attach to all those who are not in the service.—Before I proceed to state my reasons for being of opinion that the proposed change, so far from furnishing an adequate, or even an increased, supply of men to meet our numerous wants, will only add an additional impediment to our getting men. I wish to enter my protest against the accuracy of that description of the soldier's present condition which states it to be an engagement for life. It is true his discharge is not demandable of right, and his engagement is to serve his king as long as his majesty may deem his services necessary for the public safety. But, on the other hand, every man entering into the army knows, that this engagement is so qualified by the practice and nature of the service, as to render it at least highly probable, that he may obtain his discharge, if he wishes it, at a much earlier period than the close of life—he knows that after 20 or 25 years service, a discharge, entitling him to a pension, is in practice never refused—he knows that in a peace a considerable reduction in the army must take place, and that he has a fair chance, if he desires it, of being indulged with his discharge—he knows, in time of peace, when recruits are easily obtained at a bounty of three guineas, either by procuring a man to serve in his room, or even as an indulgence, that his discharge may be without difficulty obtained. It is therefore at least an exaggeration to speak of it as binding a man of necessity without mitigation for the entire of his life. But here it may be material to mark the change which may be produced in the essential character of the soldier if this plan be adopted, by habituating his mind to dwell constantly on a separation, at the end of a given period, from his profession, and a return to his family, or on a new bargain then to be made. At present nothing can be more perfect than the character of our regular soldier—he is brave, contented, and enterprising; why should we be ingenious in discovering grievances, which he does not complain of? But to consider what the effect of this regulation may be in filling the ranks of the army, it appears most extraordinary to me how it should have occurred to the right hon. gent. as likely to operate successfully. For the last three years our endeavours have been directed, whilst a superior encouragement was held out to persons entering for general service, to obtain the utmost number of men possible for limited service in the regular army; this was first attempted in the army of reserve under all the impulse of ballot and high bounties, and latterly under the Additional Force act. If then we have failed in obtaining an adequate supply of men, even for a service limited both in time and space, how can we expect by taking away one of these limitations, and only enlisting men for general service, coupled with a period by two years more extended in point of time, obtain a greater or even so great a supply of men?—If the present defect of our army was, that we had not a sufficiency of force liable to be detached abroad, I could then perfectly understand the policy, even at some loss of men, of throwing the entire of our exertion into the levy of that description of force: but whilst we have 165,000 men capable of being detached on foreign service, and our means of sending them is only limited by the necessity of not weakening ourselves too much at home, why should we desist from raising that description of force which is most easily obtained; which, being regular, is equal to any army, which, with the exception of its officers, has not seen service; and which will at once liberate for offensive operations a corresponding proportion of the army?—It appearing then to me almost a matter of demonstration, except so far as the regulation for the improvement of a soldier's condition may counteract the effect, (an arrangement which I have before stated to be as applicable to the army in its present state) that the scheme intended, must have a tendency to diminish, rather than increase, our supply of recruits generally. I wish to state the very serious effect the alterations of the soldier's term of service must have, either in producing, when it comes fairly into operation, a large annual waste on the army, in addition to what now occurs, or to occasion, at certain periods, a still more alarming deficiency.—The right hon. gent. has chosen to encounter the former difficulty by permitting the soldier to claim his discharge even in war, that is, within six months after the expiration of any period, rather than hold him, as the militia are now held, to serve to the end of the war. By this means he endeavours to avoid, perhaps, the more serious danger to which the country might find itself exposed at the end of a war, by being left as completely without an army, as it usually is without a militia, but with this important distinction, that whilst it is sure of obtaining a new militia by ballot in short space of time, it is by no means sure of obtaining a regular army by voluntary inlistments within any period that is compatible with the public safety. With this danger staring him in the face, the right hon. gent. is obliged to incur all the inconvenience of a declining army in the midst of war; all the difficulties of sending men home from our distant possessions to be discharged, and of relieving them at great inconvenience to the public service, and the not less serious evil of having the good faith of government towards the soldier brought into discredit, if all this perplexed operation cannot be regularly and immediately carried into execution during hostilities.—What the inconvenience of the soldiers being entitled to their discharge at the end of each period during a war, is likely to prove upon experience, may best be judged of by recollecting how embarrassing this system was, some years back, found to be in the militia, notwithstanding the great comparative facility of dismissing and replacing the men, when serving at home. This led to the adoption both of an extension of the period of service and the continuance of the inlistment during the war; the perpetual fluctuation of the militia was thus avoided, but the consequence upon a peace, notwithstanding the law enjoins, that a proposition to re-inlist for a further term shall be made to each man previous to his being disembodied has been found to be, that but a small proportion of the men re-engage, and that the regiments are principally composed, when re-assembled, of untrained recruits.—The small proportion of the men re-inlisting in the militia, I apprehend, on an average, not exceeding from a sixth to an eighth of the whole, leads to another very serious view of this question. It is probable that soldiers, when stationed abroad, being at the moment removed from their homes, and from domestic impressions, may re-inlist in greater numbers; but presuming that the option will not in any case be put to the men, which I think it cannot possibly be, consistent with the professed principles of the plan, till towards the close of the period, I see no reason to suppose that the soldiers belonging to the regular army stationed at home, will not be nearly as prone to take their discharges rather than re-inlist, as the substitutes in the militia are found to be, who at present compose nine-tenths of that force. If then to the existing casualties of the army this heavy annual drain be added, and if we also consider that we want at this moment not less than 25,000 men as an augmentation to our present army, and shall have gradually to replace with a regular army the 18,000 militia, which are to be permitted to fall off; is it not idle to face such a demand without any one substantial substitute for that, which it is now proposed shall be relinquished?—If the proposal of the right hon. gent. is not sustainable in argument, I apprehend it is as little warranted in fair analogy by the existing practice of any other great European military power—the general plan of military service in Prussia does not countenance it—that of Russia affords us little sanction—it is true Austria, after the treaty of Campo Formi, passed an ordinance that such a system should take effect from a period then some years remote. It certainly was not in force in the Austrian army in its best days, nor do I believe it has as yet been acted upon; and we certainly know that no such regulation at present prevails in the French army. The only precedent at all in point that I have heard of, is that of Old France during the monarchy. The French army, I have understood, was then kept up by voluntary inlistment, and the soldiers were inrolled for a term of years, more extended, however, than that now proposed. But I must beg to protest against France, even at that time, being considered as in any degree a parallel case. Her population, in proportion to those serving in her army and navy, was nearly double what ours is. Her people were poor, little industrious, and prone to a military life. She had comparatively few colonies to protect, and a considerable colonial army in existence, to whom the regulation in question did not apply. Her army in peace and in war was more equal in numbers than ours is; in short, she had none of the difficulties to contend with in raising and supplying her army which we have, and in that, as in all despotic governments, the experiment might more safely be made, as the sovereign had always the power of military conscription, either actually in operation to fill up the deficiencies in the public force, or the right to recur to it if necessary.—So far as a precedent for it has been attempted to be found in any part of the practice of this country, the reference has rather been unfortunate, if it was meant to prove thereby that the ranks of the army would be immediately filled by the adopting of such inducement. It certainly is true, that the East-India company were, for a number of years, in the habit of levying men to serve in their European regiments abroad for the term of seven years; but it is not less true, although service in the East Indies is generally popular, that as an inducement it did not in this instance operate to fill their battalions; on the contrary, they were always peculiarly weak in numbers, and inefficient, and were nearly all reduced, expressly on this account, during lord Cornwallis's first government in India.—The advantages which the right hon. gent. wishes to derive from it as counteracting desertion, seem to me also very much exaggerated, if not wholly unfounded. In part of his argument, though with a different view, he adverted to the great number of desertions which had taken place in the men raised under the Additional Force act; yet these are men raised for limited service. If the returns are examined, above one-fourth of the whole desertions of the army will be found to have taken place from amongst the men raised for limited service, although the total numbers of that description of force do not compose above one-eighth of the whole regular army. I do not quote this fact with a view of maintaining that the men being engaged for a term of years disposes them the more to desert; all I contend is, that it does not materially prevent them; and I believe it will be found that desertion is always most frequent amongst new levies, whatever may be their engagement: and in this respect the right hon. gent.'s system will rather tend to multiply desertions, by materially increasing in the army the number of recruits in proportion to the old seasoned soldiers, who seldom are found to desert.—Upon the whole of this part of the plan, I see nothing but hazard and inconvenience. The right hon. gent. may perhaps comfort himself with the reflection that the evils predicted cannot be felt in his day, and he may leave the future war-minister, seven years hence, to provide as he can against the effects of this fatal redemption of his own pledges; but in the view of parliament this will afford but poor consolation, if the principles of weakness and decay are thereby to be deeply implanted in the constitution of the army. I am sure it cannot fail to weigh on the judgment of the house, that all the first impressions of my late right hon. friend (Mr. Pitt) were strongly in favour of the inlistment for a term of years, yet he never felt himself justified in acting upon them, his sentiments to this effect were, it will be recollected, distinctly stated to the house, and he pledged himself to have the subject fully considered. The written opinions of the most experienced officers in the army were accordingly obtained; and upon the fullest consideration of the whole of the subject, divided as these authorities were upon it, Mr. Pitt apprized the house, towards the close of the last session, that he did not feel himself warranted in proposing the measure for adoption. I certainly have the means of knowing, that his matured persuasion was, that so long as our regular army presented, as it does at present, to those who prefer limited service, a facility of entering for such, that the more general change could not possibly give us many additional men, whilst the execution of the measure might be attended with considerable complexity and inconvenience, and that his final determination was taken not to propose to parliament this change in our military system.—A few words, sir, before I close, on the volunteers and the proposed conscription, under the Levy en Masse act. I much lament that the right hon. gent. has not been more candid and explicit on this part of his plan. I certainly am not disposed to object to any prudent retrenchment which can now be made in the volunteer expenditure, and see no reason why the corps first raised and authorised to parade 80 days in the year, having already attained considerable perfection in discipline, may not be reduced to the general level of other corps in the numbers of their days of exercise. Neither should I object, as far as the same can be done without breaking in upon the assurance given by his majesty to the several counties that the defence act would not be put in force so long as their quota of volunteers was kept complete, to the training a proportion of class-men so as to be designated and ready to join the ranks of the regular army in case of invasion; but I cannot accept this species of array as a substitute, either for the volunteers or the regular army, and although they might prove, in the event of a protracted campaign in these islands a valuable source of supply to the latter, yet they cannot enable us to dispense with the permanent employment of a single regular soldier. The fate of London, in case of invasion, must be decided long before these scattered fragments can be collected or incorporated with the army, and the scale of our defence must be kept up altogether independent of this resource.—What I do complain of is, that the right hon. gent. has not adopted towards the volunteers a more manly line of conduct, and one more consonant to what their past merits entitle them to claim at his hands. I cannot but consider, from every thing that has been stated, and the right hon. gent.'s known and declared sentiments on the volunteer institution itself, that his decided purpose is indirectly and gradually to get rid of them; he has told us he means to deprive them of all the principal means by which discipline and regularity are now preserved amongst that body; that he means to loosen and relax their discipline, not to preserve or improve it. Can it be supposed, or expected, that the volunteers, whatever may be their zeal, if they are to be stript of every thing which is calculated to mark the interest which the legislature takes in their conservation and improvement, will long continue to exist as it were merely by sufferance, in a state of neglect and decay, which can neither be productive of this honour to themselves or service to their country, which they have hitherto been in the habit of contemplating as the gratifying result of their exertions and sacrifices.—Remembering the bitter and deliberate invectives repeatedly uttered by the right hon. gent. against the volunteer system, not less pointed against their military constitution, than their general tendency to render every thing internal less secure, I did hope, hearing it rumoured that the institution was yet to survive his return to office, that I should have had to congratulate the hon. gent. on again fairly making a sacrifice of his past opinion to those of his colleagues in the government. But it appears to me that he is proceeding on a less open, but not on a less effectual course, to execute his former purposes. I do trust, however, the house will reject this most equivocal and unbecoming line of policy towards a body of men who have such claims on the public gratitude, and that they will either support the volunteers in an efficient and honourable shape, or if they think they can replace them by any other description of force more likely, in proportion to the charge, to protect the country, that they will, in a direct and manly manner, return them their thanks for their past services, and at once release them from their engagements. From most of the leading features of the right hon. gent.'s schemes, for the reasons stated, I have no hesitation in expressing my most pointed dissent. I consider some of them as feeble and inefficient, and others as likely to prove injurious, if not fatal, to the best interests of the army. Were his plan even preferable in some respects to what now exists, I should deem it both unwise and unsafe to select the present moment for introducing so extensive a change; but where the innovations appear pregnant with danger in themselves, and in their nature hardly reparable if once made; where the whole proceeds upon a scheme of destroying what is now efficient, upon slight grounds of objection, without any attempts at substitution in its room, I cannot hesitate in deeming it my duty to resist, as far as depends on me, so dangerous an attempt; and here I cannot hesitate to express my confident persuasion, had his majesty's late ministers remained in power, that they would have been at present occupied in directing the powerful army, which the country actually possesses, against the enemy's most vulnerable points, instead of wasting their own time, and that of the house, in unnecessary and hazardous experiments on the constitution of the public force.—I shall close what I have felt it my duty to offer to the consideration of the house in the present important question, by shortly referring to what fell from me on a former night's debate, with respect to the state and condition in which the government, in all its leading branches, has passed into the hands of his majesty's present servants. The indignant manner in which the right hon. gent., at the outset of his speech, supported by his colleagues, seemed to refer to what then passed, makes me the more desirous of repeating it, as not inapplicable to the present discussion: I certainly was not then, nor am I now, disposed either to undervalue or to disguise the many and serious difficulties the government have to struggle against, or, more especially in their external relations, reduced as the greater part of the continent now is, under the absolute power of France; and no one can feel more desirous than myself, of strengthening their hands to the utmost, that they may be enabled the better to bear up against these difficulties; but I must contend that, with respect to all the main and leading features which constitute internal strength, and afford the best means of successfully prosecuting the war to an honourable conclusion, no administration ever found themselves, on their coming into office, in a more commanding situation.

The noble lord (lord H. Petty) has found a revenue highly and progressively productive. Public credit, such as to enable him to borrow for the service of the year on terms highly advantageous to the public; and the general prosperity of the country, such as to admit of his adopting the manly resolution of raising a large additional proportion of the supplies within the year. The noble lord (lord Howick) has found a navy, on the numbers and efficiency of which it is as little necessary for me to comment, as upon their late unrivalled achievements. The right hon. gent. (Mr. Windham) has found an army exceeding by 25,000 men the greatest army the country ever before possessed, and of a description which qualifies them to fulfil every wish their sovereign can form with respect to their exertions, if their character and constitution is not broken down by inconsiderate and speculative innovations. I again repeat, that the government has great difficulties to surmount, but they arise from causes which my late right hon. friend, and those who acted with him, had neither the power nor the means to regulate or controul. Whatever was immediately under his own guidance has been successfully conducted; and I do not hesitate to assert that on all the essential points above alluded to, viz. the finances, the navy, and the army, compared with the difficulties and embarrassments under which they are disposed to represent themselves as taking the government, the present administration may be considered as on a Bed of Roses. I trust the house will pointedly discourage any attempt to tamper with our establishments at such a crisis, which require nothing but time and perseverance to render them equal to any purpose we can have in view. No case calling for any fundamental change has yet been made out, and until such necessity shall be made more evident, every consideration forbids the entering upon so hazardous an experiment.

Mr. Secretary *Fox* spoke in substance as follows;—I rise, sir, to make a few observations on what has fallen from the noble lord, and which appears to me so extraordinary that I could not have imagined that any human nerves were sufficient to enable any one gravely to make such assertions as he has hazarded. He has told us that the country is now placed in such a state of proud splendour and universal prosperity, as never had been handed over by any ministry to their successors. Gracious God! and in what does this prosperity, of which he boasts, consist? Undoubtedly the navy, by the most unparalleled gallantry, and the most wonderful success, even beyond human calculation, is in a state in which the task of my right hon. friend near me (Mr. Grey) is comparatively easy. But may it not be questioned whether all the merit is due to the last board? nay, whether with a reference to the future supply and maintenance of the navy, every thing is quite so meritorious as the noble lord asserts? But of the splendid victories achieved, is the whole credit to be concentrated in the last 18 months? Is none due to that Board of Admiralty, at which lord St. Vincent presided; none due to those who selected and appointed those officers? The noble lord, indeed, defended lord St. Vincent too; but it cannot be denied that many of his friends entertained against that gallant officer as strong prejudices as ever existed in the minds of men. But, after mentioning the navy, I do not know that there is a single point on which I can subscribe to the noble lord's representation of the state of the country. Is it in the finances that we are to seek for the proofs? Because the last administration laid very heavy burthens on the public, did that facilitate the laying on of those new burthens, which my noble friend near me found it his duty to propose? It is true we have 43 millions of revenue; but is it very consolatory that we have an expenditure of forty-three millions? Is there no relation between those objects? Or is it a proof of prosperity that our taxes are enormous, though they are borne with cheerfulness, because they may be necessary? Does the noble lord appeal to Ireland as that with the state of which there is every reason to be proud? Is India in the best possible state, quite prosperous and tranquil? Where then is the "Bed of Roses" to which we have succeeded? Really it is insulting, to tell me, I am on a bed of roses, when I feel myself torn and stung by brambles and nettles, whichever way I turn. But, as far as regards this country itself, we are in a state of prosperity. But surely, you ought to consider the difficulties arising from other countries, as making part of our situation. The noble lord must admit, that, to use the phrase of one of his colleagues, "the Continent is not in a very satisfactory state." The noble lord, however, tells us, that having succeeded to such an excellent state of things, it must be our own fault if we do not carry on affairs well. Does the noble lord then think, that there is a rational prospect either of an honourable and satisfactory peace; or, that we possess the means of so carrying on the war as to compel our enemy to agree to peace; or, that we have the prospect of weakening and reducing his power? If the noble lord thinks these matters easy, I should be very happy to have his advice on the subject. Whether the last campaign was wisely conducted on our part; whether the exertions made and the concert effected were such as could attend a fair chance of success; I do not at present discuss; but surely the events of that campaign were such, as by no means to facilitate our efforts, and lighten our task. Unless, like the Parish bill, the good effects of the late campaign are not to be apparent for a long time, I must confess, that I see nothing in it that is not disastrous to the country, and embarrassing to the government. Nay, I would ask the noble lord, whether the communication of Papers by himself and his colleagues has not added to our difficulties? If he doubts it, let him come to my office, and I will show him documents from different ministers, which will prove how much that has contributed to our embarrassments. But the noble lord does not think proper to come to our offices; and here I cannot help saying, that his declining to come, is in some respects criminal. He talked as if it had been the intention of the late ministers to have made an attack on some of the enemy's vulnerable points. In taking credit for the success of such a project, I must confess the noble lord seemed to boast rather too much of what might have been the event. But he spoke as if something particular had been in view. If there was, I do think that it was the noble lord's duty to tell the king's government where the enemy's vulnerable points were. It has ever been my practice, if I had any information, to give it, whoever were ministers, that it might be acted upon if useful; and I confess I should have expected the noble lord to have done so. We certainly should be glad to know what vulnerable points the noble lord believes could be attacked with success. If, however, he means only that they would have made some diversion, I am not so sorry that the noble lord withheld his advice. After what they did last campaign, when two armies were sent to different quarters, where they were of no use, and where they never made any diversion of the enemy's forces, I have very little hopes that the noble lord would have given us much instruction as to useful diversions now. I trust, however, that though the noble lord has told us that we have only to leave things as they are, that we have only to maintain the prosperity we found, the house will have the candour to judge of us by our conduct, and will bear in mind the difficulties we have to encounter in the relative situation of the country to our enemy, that most important of all considerations. The noble lord, indeed, though he has talked so much of complication, seems to have an understanding so formed as to be utterly incapable of conceiving any relation between objects. He saw nothing but a large revenue, but saw nothing of the large debt. He talks of a large army, but he does not consider that our enemy has an army, a very large army. Surely it is not enough to tell us of an army larger than in queen Anne's time, or even in the American war, when the relative state of circumstances is so wonderfully changed. I might then quit this part of the subject by saying, that the state of the country is almost in every point directly the reverse of that described by the noble lord; but I would beg leave to ask him, whether that most prosperous state of the country had all arisen between May 1804, and Feb. 6th, 1806? The noble lord himself may claim the merit of the prosperity of both. But will some of those very near him (Messrs. Cannning, Rose, &c.) agree as to the proud situation of the country in May 1804? Nay, would not the assertion have appeared strange to that right hon. person on whose memory the noble lord has frequently drawn this evening? Was it prosperous in 1804? and what is the difference in the increase of the army since then? Some 20,000 or 30,000 men, perhaps. With respect to the parish bill, the very circumstance mentioned by the noble lord, as to its not being executed, appears to me decisive of its being a miserably bad measure. The noble lord ascribes its non-execution to the ignorance of the parish officers. But in truth it was not the ignorance of the parish officers. I know that, in the part of the country where I live, within five miles of the commander-in-chief, the bill has never been acted upon: and it is ridiculous to say, that it was solely from the ignorance of its object. The truth is, the bill was found to be absurd and impracticable, and therefore it was not executed.—To come now, however, to the principal point in my right hon. friend's plan; the enlisting for a limited time. The noble lord observes upon this, that though the late Mr. Pitt was at first captivated with the idea, he was induced, upon mature consideration, to abandon it. Really I do not know what use the noble lord is to make of the opinions of that right hon. person, if he is to be the administrator of them. I have read of Mark Anthony giving out memorandums and scraps of Julius Cæsar's; and I remember that considerable doubts were entertained of the truth of such vouchers of Cæsar's sentiments. All I know is, that I never heard that right hon. gent. say in parliament, that he had changed his views on the subject; nay, I have heard accounts very different indeed from those of the noble lord. For myself, I always have been, and still continue, a warm friend to the principle of enlisting for a limited time. The noble lord observing on my right hon. friend's argument, that this would facilitate the recruiting, thinks proper to allude to something he supposes me to have said respecting the hardship or bondage of the situation of men engaging in a service for life. I remember, indeed, that I said on a former occasion, that I considered such a system as unsuitable to the genius of this constitution, and that in addition to the object of policy, it would be an additional argument with me, that we should get rid of what appeared to me desirable to change. We must submit to many things in themselves unpleasant, because we cannot help them; but, surely, when humanity and constitutional principle coincide with true policy, it will be an additional inducement to every honourable mind, to rectify what is amiss. The noble lord, however, seems determined to have "two strings to his bow" in argument as well as in every thing else; and, to say the truth, he has sometimes three or four. He foresees great danger in the plan proposed, and says that mutinies may perhaps arise. This, indeed, is no bad hint; but let that pass. While the old soldiers, on one view of his argument, may perhaps mutiny, because they do not obtain the right of discharge the new will have, he shews in another, that no such danger exists, because, in fact, if not in right, the soldiers can obtain their discharge, so can have no reason to be offended with the privilege granted to others. Thus the noble lord, with one of his arguments answers the other, without at all answering that of my right hon friend, as to the beneficial tendency of enlisting for a limited time, as an inducement for men to enter. But he says this is all theory. What the noble lord means by theory, I cannot tell; but I see very well, not only that the proposed regulation has a tendency to remove an objection to the service, but that it has been adopted, in practice for that end. In part of the Prussian army, contrary to the broad assertion of the noble lord, it was the custom to enter for a limited term. It was said, indeed, that Frederick the Great was not very scrupulous in executing the contract, though it was clear what was considered the tendency of the regulation; and I am convinced, that, with a government like this, scrupulous in its faith, the regulation would most powerfully operate as an inducement to the service. Besides, the noble lord is mistaken in his statement. All the troops of the continent were not engaged for life. Those of the elector of Hanover were for a limited service. The German corps in our own service are all for a limited time, even the 60th regiment. As to the case of the East-India company, put by the noble lord, it proves too much; for it is absurd to say, that men will enlist more willingly for life than for a limited time.—Now with respect to the Volunteers, the noble lord says, he remembers my right hon. friend having, on former occasions, said so and so of the Volunteers; but I fear the noble lord only remembers his own misrepresentations of what was said. As soon as the noble lord got up, I anticipated what we have heard; day by day, week after week, year after year, the same eternal repetition of the same confuted misrepresentation. Indeed he has repeated this so often, that I verily believe he has brought himself to imagine that his own answers to my right hon. friend were really the arguments used by the latter. My right hon. friend stated distinctly, that finding the volunteers established, and so far useful, he would propose to keep them up as far as they were capable of being advantageously employed. Aye, but says the noble lord, he abused the Volunteer system 2 or 3 years ago. I really do not remember what my right hon. friend said when the establishment of the Volunteers was first proposed, but he has said to-night that it is a different thing to demolish what you find set up, and to disapprove a particular system. But the noble lord says, why don't you tell the Volunteers a once that you mean to get rid of them. The best reason in the world for not doing so, is because no such thing is intended. But that must be intended, because their discipline is to be so relaxed! Yet the noble lord himself thinks the same degree of discipline no longer necessary. The noble lord, however, complains of the confusion of my right hon. friend's ideas on the subject, and a more extraordinary complaint I never heard; for, besides that the speech of my right hon. friend was one of the most eloquent ever delivered in parliament, it was so perfectly perspicuous in every statement, that it was impossible to mistake the meaning of it. If my right hon. friend's speech was the labyrinth, and the noble lord's the strait road, I must have very erroneous ideas, indeed, of the qualities of a strait road and a labyrinth. But what was the proposal of my right hon. friend? Was it not to retain, as Volunteers, those of a superior class, those able to defray their own expences, while those who could not were to be subject to the general training; and this was the principle which seemed universally agreed upon, when the Levy en Masse act was first considered, and it was thought an objection to that measure that all classes should be blended without distinction? Now, what is the proposal of my right hon. friend as to the general training? It is to invite, or compel, a certain portion of the whole population to be trained 26 times, each person having one shilling for his trouble each time, so that if the training happened on a Sunday, it would be so much gain. Those, however, who chose to defray their own expences as Volunteers, are not to be compelled to be trained.—The noble lord however asks, how will you put all those men so trained? into the ranks to defend London? I answer, no, because the thing must be impossible; and I apprehend that in the neighbourhood of London, a sufficient number of trained men would be found to annoy the enemy, or fill up our own ranks, without calling up those from the distant counties. The effect of the training would be to give us a greater number of men, better fit than they would otherwise have been, to recruit the regiments, or to contribute in other ways to harass the enemy. But again comes the old argument which I have often heard with sentiments the very reverse of respect. It is said, but could these men defend London? Could they stop the enemy before they reached Chatham? Should the enemy land on our shores, we ought doubtless to fight every inch of ground, but are we to act as if that were all, and as if the whole were lost if the first stand were not successful? We must provide, however, not only to withstand the enemy vigorously in their first progress, but to have all the means of maintaining the contest with them in the worst event.—Nay, I am convinced that the English people would, on such an occasion, display an energy, perseverance, and fortitude, surpassing what any nation on the continent has shewn. They are in a different situation, to be sure. They are unaccustomed to the presence of an enemy in their country, and could not bear it patiently: they feel every motive of attachment to their country and their constitution. They are unshaken in their affection to their government by those changes of master and of companion, which tend to unhinge every principle of allegiance, and they would therefore, I am convinced, give a new example of constancy, and would shew that the fate of their country did not depend on the event of a single battle. Even if the first advantages were gained by the enemy, they would find hundreds of thousands, nay, perhaps millions, of Englishmen determined to maintain their liberty and independence. That the enemy would be best resisted by an armed and trained peasantry, capable of harassing their progress or of serving as recruits to the regular army, I am perfectly satisfied, and I am convinced they would do it far better than any number of Volunteers on the present system. Indeed the employment of the Volunteers as regiments and as reinforcements, would be full of danger, and no friend to the Volunteers would advise the experiment to be tried.—It is alledged, however, that no immediate increase of the army will result from this measure, because it substitutes nothing. But in truth, the merit of the plan is, that it proposes no complicated machinery to produce an effect, which will be gained by the simple mode of recruiting. All the schemes adopted for raising men have, as far as they have been successful, only defrauded the ordinary system of recruiting, and that with a great expence, and no inconsiderable oppression. Is it nothing, that the market will again be left open to the government as the only recruitor? I do not altogether blame former ministers for the experiments tried. At the beginning of the war a general apprehension was entertained that an invasion would immediately be attempted, and it may have appeared necessary to augment the army, even at the risk of encroaching upon the future supply. But the noble lord says, this is all theory, and that no more men will be obtained. Now, I should think, however, that the theory which tells me that you have the best chance of being cheaply provided when you are the only bidder, is preferable to the noble lord's practical argument, that the more competitors you let in to the market, the more recruits you are likely to obtain, and at a small bounty. The noble lord tells us, too, that it was the intention of the late Mr. Pitt to make an addition of 20 or 25 thousand men to the army. And in fact, I have no doubt, that my right hon. friend will propose, not only to leave no deficiency in the effective force already considered proper to be kept up, but will suggest any further increase that may appear necessary.—It ought to be remembered that, with the exception of Russia, a power, however, whose alliance, desirable and important as it is, must be confessed to be too remote for producing a decisive impression on the Continent, we have no ally whatever of any consequence willing to fight for us. Such is the prosperous situation the noble lord describes. When this is considered, and the state of the Continent is taken into view, it must be allowed that it is time to think of increasing our Army. Both for the purpose of war, and what must be the establishment of any peace likely to be obtained, it is proper that the subject of the army should be maturely weighed. Indeed, by the circumstances of Europe, I am ready to confess that I have been weaned from the opinions I formerly held with respect to the force that might suffice in time of peace; nor do I consider this as any inconsistency, because I see no rational prospect of any peace that would exempt us from the necessity of watchful preparation and powerful establishments. The subject of the army, therefore, must come before us in different shapes, and it presents itself in different views. If we cannot obtain a safe and honourable peace, of which it is impossible, in the actual state of affairs, to be sanguine; and if we do not obtain, in carrying on the war, that species of success hardly to be calculated upon, we must be reduced to that state which I, for one, cannot contemplate without apprehension, that of being, with respect to Europe, the "Britannos toto orbe divisos," and be left to our own resources and our own colonial connexions, or be compelled to cultivate a system the most uphill, the most difficult, and the most perplexed, particularly after the ill success of our late Continental measures, which it is possible to conceive. Yet, perhaps, upon the whole, I am more inclined to the latter system, difficult and unpromising as it is. But if we do resolve to engage in that arduous and difficult struggle, demanding every effort and every exertion, or indeed whatever other system we resolve to act upon, a large army is indispensible. Even while foreign powers court our money, they feel a degradation in accepting it, and they do not view us in a favourable light under such a connection. But, whether we can have an army adequate to home defence and to foreign operations, may be doubtful. Yet I will say, that while we take due precautions for home defence, by training the population to arms, the true policy of the country is to rise superior to the panic of invasion, and to shew that our force and our courage are not to be confined at home.—Our enemy shews us, that by disregarding the danger of particular points, and by directing his forces where the occasion demands them, he has been able to spread his dominion, and to subdue his opponents. If that system to which I have alluded were to be adopted, a great army must necessarily be maintained. In England and Scotland, I am confident, the plan proposed will have the most powerful effect on the recruiting service; and, if measures could be adopted for completely conciliating the people of Ireland, it would present a nursery of brave and excellent soldiers, more faithful in proportion to its population, than any prince in Europe possesses.

Mr. *Yorke* admitted that there were difficulties with which the present administration had certainly to struggle, or any administration in their circumstances. But making allowances for those difficulties, that great man who had been mentioned, had left them in a situation that did him the highest honour. He applauded in high terms the impressive and powerful peroration the right hon. gent. had just made, with which he agreed most cordially. Finding ourselves deserted after all the great exertions we had made, it did not become us to waste our time in little idle disputes, but to make every effort to be ready to meet our enemy, whose great object was our destruction. He assented most cordially to every proposition for putting the army on a proper and respectable establishment, but differed in several points from the right hon. gent. who had submitted this proposition to the house. He hoped this difference of opinion on his part would not be attributed to any desire to oppose the present administration. He was of opinion, in the present circumstances of the country, that all party feelings should be laid aside, and no systematic opposition entered into, unless it should be found that ministers were betraying their trust and abusing the confidence of the nation. But it was the duty of every member in that house to take care that the declining years of a beloved sovereign should descend to the grave in peace. Any change in our military establishment, he thought, had better be postponed till a time of peace. It was like quitting a good position on the eve of battle in quest of another, by which we exposed ourselves to inevitable defeat. We had already, he thought, a large army, and the means also in operation that were likely to increase it. He should at present only make a few observations upon the different heads into which the right hon. gent. appeared to have divided his speech, viz. the repeal of the Additional Force bill; 2dly, the regulation of the Army; and 3dly, the regulation of the Volunteer system, and the improvements of the Levy en Masse. With respect to the first of these he confessed that he himself had at first opposed that additional force bill, from the idea of its being an innovation, but now since it appeared to have been the means of producing men, and likely to be still further beneficial in being productive of a regular supply to the army, he should hesitate very much before he should vote for the repeal of such an act. It most undoubtedly ought not to be repealed merely upon prejudices taken up at the outset of the plan. The number of men produced within the few last months operated very greatly in its favour, and tended to show the absurdity of repealing an act previously to proposing any substitute in its stead. It had been found that by common recruiting the deficiences in the army could not at present be filled up. The right hon. gent. had in his speech taken notice of the circumstance that the trifling bounty of one guinea or two guineas being sufficient to procure men for the army in the reign of king William, and in the time of king George II.; but he wished him to advert to the extreme difference of those times from the present, and the number of men actually required for the services of the state. When the French fleet came up to Dungeness, in the year 1744, the total amount of the army to defend the country was only 19,000; a circumstance which might still be in the recollection of many gentlemen at this present day. It was impossible now to think of keeping up an army upon the principles adopted in the reign of George the second; and such being the case, it served no end to advert to what could not possibly be effected at that distant period. As to the proposed mode of recruiting for limited service, he did not think that it would have the effect of even increasing the first levy, and far less would it tend to retain the men in the second instance. This had been a constant complaint in regard to the army of Reserve, and the same thing would undoubtedly occur in the present instance. It had been already found that desertion took place more frequently in the limited, than in the unlimited service. The army of this country might be said to be always an annual army, from the circumstance of that house enjoying a privilege, which he hoped they would never be deprived of, that of voting a sum annually for its maintenance. Men could not, therefore, be said, to be enlisting for life, when it appeared that they thus only enlisted for the particular length of time during which their services might be required. By the present practice in the army (a practice which did not appear on this occasion to have been adverted to), no man was retained in it above 24 years. This was an imitation of the custom of the ancient Romans, whose soldiers, after having served 20 years, procured what was demominated a *remissio*, and were afterwards transferred to another description of service. He had not the smallest objection to this custom being strictly attended to, and enforced; but he should be extremely sorry indeed, to find a new system, not likely to produce any good effect, introduced. This was running the risk of altering the army in the most irregular manner. What constituted the superiority of the regular army? It was the feeling which the men had of their being soldiers, and kept on a different footing from those who were raised on a different plan. He warned the house to pause before they attempted to introduce such a dangerous innovation, and to reflect upon what might probably be the consequence in regard to the navy of Great Britain. He was not at all aware that some regulations would not become necessary, in order to ascertain a specified term of service for sailors and marines, men who might be said at present to be engaged in an unlimited species of service. He most sincerely hoped that ministers would not encumber themselves with any opinions which they might have formerly uttered in that house, when they in their own consciences were, he believed, convinced that their plans would not be successful. If we were to keep up our army even in time of peace to the amount of 150,000 men, we might reasonably suppose that between 50 and 60 thousand men would be found necessary for our colonies, for garrisons, and for reliefs, &c. This would be keeping up a larger army than would otherwise be necessary, and that principally for the purpose of relieving those men whose time was expired. It had been found by the experience we have already had in the militia, that no sooner was a man's time expired, than he retired from the service with the utmost eagerness. He saw no occasion for our imitating the custom of other countries who stood in situations entirely different from ours. He agreed with the right hon. gent. in adopting some plans for bettering the condition of the army, but he could not help thinking that every one of the regulations now proposed might with equal propriety be applied to the army, as it at present stood. He also approved of making use of the Levy en Masse bill, but united in thinking that it would require some amendments. With respect to the rank of volunteer officers, he might also agree with the right hon. gent. that it might have been prudent to make some further regulations, had they been adopted from the commencement of their institution; but he recollected that in the year 1794, when that right hon. gent. was secretary at war, he did not get up in his place to oppose the measures which were then adopted. The right hon. gent. concluded with stating, that he had a great many other observations to make against the proposed measures, which, on account of the lateness of the hour, he would defer till a future opportunity.

General *Norton* said, that it fell to his lot to command a second battalion raised by the former act; and from an account of the state of that battalion, he could show that out of 755 rank and file, 681 men had offered themselves for general service. He therefore was led to believe, that the bill alluded to had actually proved very efficient.

Sir *James Pulteney* objected to the whole outline of the plan brought forward by the right hon. secretary, as it tended to a diminution of the regular force of the country. It went to repeal the Additional Force act, an act by which greater encouragement was actually held out, by specifying not only a limited time, but even a limited place of service, while the scheme proposed only related to a limitation of the time. He thought that the character of the British soldier would be materially injured by the change proposed. The motives which generally led men to encounter dangers would be greatly lessened, by enabling them to leave the service and return to live with their families and friends, and it was natural to suppose that the national character would gradually decline. This was not the practice of any great military nation in Europe. He thought that the Volunteers, who had already incurred many heavy expences, ought to be continued on their present establishment. He disapproved of the plan of an armed peasantry.

General *Tarleton* also objected to the proposed mode of recruiting, as it went evidently to demolish a great part of the army as already established, and to do away the Volunteer force, without substituting any other eligible mode. He had in his pocket the clearest proof of the efficacy of the Additional Force act. He was convinced that the finest recruits had been raised by that act. He could not help observing, that several of the lords lieutenants of counties appeared to have been remiss in their exertions in raising the men; but from this obloquy he might venture to exempt the county of Lancashire, to which he belonged. In the county of Devon there had been 35 men raised, in Surrey 539, in Essex 89, and in the county of Berks only 35. Such statements showed the disparity of exertions used to fulfil the object in view. He acknowledged that there were many officers who did approve of the limited species of service, and that he had formerly approved of it, but now, since he understood the matter, he had seen the propriety of encouraging a difference of opinion. Considering our insular situation and numerous colonies, it was absolutely necessary that we should abide by the regulations formerly adopted, in regard to the Army. He found that most of the officers of experience and skill, whom he had consulted, were perfectly adverse to the system. He disapproved highly of encroaching upon the Volunteer system. No less than 300,000 men had voluntarily come forward, and had already proved themselves extremely serviceable to the country, and were by this change totally unfixed and unhinged. Was this a proper time for such dangerous experiments, when the enemy might attempt invasion during the course of the summer? The hon. general then spoke in high terms of the efficiency of the Volunteers, many of whom he had had the honour of commanding. He denied that the Levy en Masse would be the means of recruiting the army.

Sir *W. W. Wynne* said, that he was ready to prove that every man that had been raised for Denbighshire, was procured by means of a crimp. Lancashire, therefore, taking that fact and the statement of the hon. general together, had almost all the honour of carrying into effect the provisions of the Defence act.

Mr. *Langham* said a few words in favour of the bill.

Lord *Temple* observed, that charges against officers in a most respectable and highly honourable situation should not be lightly made. An hon. gen. (Tarleton) had accused some of the most highly confidential officers under government with thwarting the intentions of his majesty's ministers, whom it was their duty to support; he had, in fact, impeached them with a sort of under-handed work which thwarted the designs of the legislature for the defence of the country.

General *Tarleton*, in explanation, said that he did not intend to accuse any lord lieutenant of thwarting the intentions of government.

Colonel *Craufurd* said, he would not then enter into a detailed statement of his sentiments with respect to the plan now submitted to the house. He could not for a moment, however, suppose that the right hon. secretary of state (Mr. Windham) had ever entertained the strange idea that seemed to be attributed to him, of suffering men to ask for their discharge, neither could he suppose that the right hon. secretary entertained so mean an idea of the character of a soldier as to imagine that he could think of asking for his discharge, while his brothers in arms had military duty to perform.

Mr. *C. Dundas* stated the causes of the petition from Berkshire, for the repeal of the Additional Force bill, and maintained that the principle of that bill was impracticable.

Sir *W. Young*, alluding to what had fallen from an hon. general, spoke in justification of the conduct of the lords lieutenants of counties in regard to their exertions under the Additional Force act.

Colonel *Graham* said, he thought the limited service would operate as a great inducement to men continuing in the army, and would be the means of preventing desertion, which had now become too frequent.

Mr. *Huddlestone* professed himself friendly to the principle of limited service.—Leave was then given to bring in a bill to repeal the Additional Force bill. At 2 o'clock the house adjourned to Monday the 14th instant.

HOUSE OF LORDS.

Monday, April 14.

[Minutes.] The Irish Militia Service bill passed through a committee, and was reported.—The Irish First Fruits bill, the Irish Treasury Bills bill, the British Fisheries Encouragement bill, were brought from the commons and were severally read a first time.—Lord Grenville moved that the committee appointed to search the journals for precedents of proceedings in cases of Impeachment, be instructed to consider of the best mode of proceeding on the trial of lord viscount Melville, and do report thereon.—Ordered.

HOUSE OF COMMONS.

Monday, April 14.

[Minutes.] Mr. Calcraft presented, "an Account of the sums which remained in the Exchequer on the 1st Jan. 1805, being part of the grants of parliament for the service of the Ordnance for the year 1804, specifying the proportion remaining of each grant; and also an Account of the unappropriated balance in the hands of the Treasurer of the Ordnance, being part of the said grants, on the 1st of Jan. aforesaid."—A new writ was directed to be issued for the election of a member for Helston, in the room of Davies Giddy, esq. who has accepted the Stewardship of the Chiltern Hundreds.—Mr. Jervis, in pursuance of a former notice, moved for leave to bring in a bill for altering and expediting the trial of offences committed in distant parts on the high seas. The grounds on which he submitted his motion to the house were as follows: by the act of Henry VIII. the jurisdiction of the admiralty had been extended to all offences committed on the high seas; but the exercise of this jurisdiction had been often attended with great delay and inconvenience, inasmuch as it became necessary that the offender and the witnesses should be brought to this country, and that the trial should take place here. To remedy this inconvenience, the admiralty, by an act of William, were empowered to appoint a special commission for conducting the trial of offences in distant parts. But the authority of such commissions was confined to the colonies; and besides, they acted upon the principles of the civil law, which were very different from those of the common law of this country. The design of this bill, therefore, was to prevent the necessity for bringing home the offenders, and also that they might enjoy the benefit of the trial by jury, and not be tried according to the forms of the civil law. Leave granted.—Mr. Paull thought that an hon. director (Mr. Huddlestone), would have moved for the paper about which he had given notice, before he (Mr. P.) brought forward his charges against marquis Wellesley; but now, however, he understood that he had abandoned it. He would, therefore, move on Friday for certain papers, to lay the grounds of his charge against marquis Wellesley; also for papers for an additional charge respecting Furruckabad; and, that it might not be said that he came by a side wind on the house, he would also move for a paper which would lay the grounds for a charge of direct disobedience against the noble marquis.—General Gascoigne moved an address to his majesty for Copies of the Capitulation of the Colonies of Demerary, Essequibo, Berbice, and Surinam, to his majesty's arms.—In a committee of Supply the Army Estimates were voted, upon, as the secretary at war stated, the same scale for the same services as that of last year. The Report was ordered to be brought up to-morrow.—On the motion of Mr. Jeffery, it was ordered, that an Account be produced of the number of Line-of-battle Ships and Frigates in ordinary on the 1st of Oct. 1801, shewing the Repairs necessary to put them into condition for permanent service, &c.—On the motion of Mr. James Fitzgerald, the 2d reading of the Irish Population bill was put off till the 1st of Aug.—Mr. Vansittart said, that owing to a mistake, upon opening the Budget, the East-India Sugar was not included in the proposed tax upon Sugar. To rectify that mistake, therefore, he gave notice, that he should, on Wednesday, in a Committee of Ways and Means, submit a particular motion.—The 2d reading of the Iron Duty bill was postponed till this day se'nnight, in order, as Mr. Vansittart stated, that all parties interested should have a further opportunity of considering the measure.

[Debts of the Nabobs of Arcot.] Mr. *Hobhouse* moved the order of the day, for taking into further consideration the Report which, upon the 27th day of March last, was made from the committee, to whom the Petition of the several Creditors of his Highness the Nabob Wallah Jah, formerly Nabob of Arcot, and now deceased, and of his Highness the Nabob Omdut ul Omrah, late Nabob of Arcot, and of his Highness the Ameer ul Omrah, now also deceased, or one of them, and parties to the articles of agreement therein after mentioned, was referred; which being read, the hon. gent. rose and observed, that before he proceeded to move for leave to bring in "a bill, for enabling the commissioners acting in execution of an agreement made between the East-India company and the private creditors of the late Nabobs of the Carnatic, the better to carry the same into effect," the house would naturally expect from him some preliminary observations, tending to explain the grounds upon which this measure was introduced to the notice of parliament. Indian subjects were usually deemed to be dry and complicated in their nature, and hence they did not generally receive the attention which their magnitude deserved. He was, therefore, obliged to an hon. gent. (Mr. Francis) now absent, on account of a domestic misfortune which he (Mr. H.) sincerely lamented, for endeavouring to rouse the attention of the house to this measure which, he agreed with him, was of great importance. Unfortunately for him (Mr. H.) it was also a subject of great extent, so that he should be under the necessity of troubling the house at greater length than was agreeable to his inclinations. In order that the house might completely understand the whole transaction, he felt himself compelled to go back as far as the year 1784, when parliament first took cognizance of the private debts of the Nabob of Arcot, and to describe several treaties with the princes of the Carnatic, subsequently to that time; he should however, be as brief as the nature of the subject would allow. In 1784, an act was passed, the 24th of the king, cap. 25, intitled, "An act for the better regulation and management of the affairs of the East-India company, and of the British possessions in India; and for establishing a court of judicature for the more speedy and effectual trial of persons accused of offences committed in the East Indies." By the 37th section of that act, it was provided that, "whereas very large sums of money are claimed to be due to British subjects by the Nabob of Arcot, in the recovery whereof it is expedient that such assistance should be given them as shall be consistent with the rights of the company, the security of the creditors, and the honour and dignity of the said Nabob; be it enacted, that the court of directors of the said company shall, as soon as may be, take into consideration the origin and justice of the said demands, as far as the materials they are in possession of shall enable them to do; and that they shall give such orders to their presidencies and servants abroad, for completing the investigation thereof, as the nature of the case shall require, and for establishing, in concert with the said Nabob, such fund for the discharge of those debts, which shall appear to be justly due, according to their respective claims of priority, as shall be consistent with the rights of the said united company, the security of the creditors, and the honour and dignity of the said Nabob." The first question which presented itself, was, what was done in consequence of this legislative enactment? The statute was promulgated at Madras in Feb. 1785, and soon afterwards a treaty was concluded between Mr. Davidson, the acting governor of Madras, and the Nabob Wallak-Jah, by which it was stipulated that his highness should annually pay four lacs of pagodas as a military subsidy to the company, and set aside a fund every year of 12 lacs, in liquidation of his debt to his private creditors, being British subjects, and of his debt to the company. The private creditors, according to the orders of the court of Directors, were to consist of 3 classes only, the other debts of the Nabob not having at that time fallen under their notice. The 3 classes consisted of, 1. The debt distinguished by the name of the Consolidated Debt of 1767, amounting to 7,96,445 pagodas; 2. The old Cavalry Debt, 6,90,624 pagodas; 3. The Consolidated Debt of 1777, 54,98,500 pagodas, making a total of 69,85,570 pagodas, or, in British money, 2,794,228*l.*—These private creditors were called upon to inscribe their names in a register, and hence these 3 classes of debts were denominated the registered debts of the Nabob of Arcot. The hon. gent. said, he mentioned this circumstance, that gentlemen, when he spoke of the registered debts, might understand his meaning without further explanation, and comprehend what debts were included under that denomination. He could specify the regulations by which the court of directors fixed the proportion of the 12 lacs of pagodas, which was to be employed in liquidation of the claims of the private creditors, and the part which was to be appropriated to the discharge of the debt to the company; but he was fearful of being led too much into detail, and of occupying too much of the time of the house. It was sufficient to say that he possessed a copy of these regulations, and should be ready to produce them, if any gentleman should wish to hear the statement. In Feb. 1787, a new treaty was entered into between the Nabob Wallak Jah and sir Archibald Campbell, then governor of Madras, by which it was agreed that the military subsidy, to be in future paid by his highness in time of peace, should be 9 lacs of pagodas, and that 4-5th of the revenues of the Carnatic should be appropriated to the use of the company in case either of the parties should be at war, for the treaty was both offensive and defensive. Twelve lacs of pagodas, as by Mr. Davidson's treaty, were to be annually contributed for the discharge both of the private and public debts of the Nabob, subject to the company's regulations, to which he had before alluded. A few years afterwards it was found, so dilatory had the Nabob been in his payments, that an arrear of about 19 lacs, had accrued under the two before-mentioned treaties. At the close of 1789, Tippo Sultaun, the king of Mysore, made an attack upon the ally of the company, the Travancore Rajah. The late marquis Cornwallis, then governor-general, went to the assistance of the Rajah, and demanded from the Nabob of the Carnatic, the contribution stipulated by his treaty with sir A. Campbell. The 4-5th's of the revenues were, however, so irregularly paid, that a considerable arrear was soon found to exist; the supplies of grain and cattle were so tardily provided by the Nabob's servants, that the service suffered considerable detriment. On these two grounds, the marquis Cornwallis found himself under the necessity of assuming *pro tempore* the civil in addition to the military government of the Carnatic, and the entire management of the revenues. At the close of this war which was brought to a glorious termination in 1792, the marquis Cornwallis returned the country into the hands of the Nabob, and formed a new treaty with his highness, by which it was stipulated that 9 lacs of pagodas should in future be paid to the company, annually, as a military subsidy; and a new arrangement was made respecting the sum to be appropriated each year to the discharge of the Nabob's debts. The marquis being convinced by the representation of the Nabob that his revenues were not adequate to so large an annual payment as 12 lacs, in liquidation of debts, and being desirous of manifesting a spirit of forbearance, and an example of moderation, consented that only 6,21,105 pagodas should be annually applied in satisfaction of the claims of the private creditors only; the debt to the company not being expunged, but left to future investigation, and to the arbitration and decision of the marquis Cornwallis himself: this reference was occasioned by some disputes in the accounts, which were not easy of adjustment.—The next treaty which he should have occasion to mention, was concluded in July, 1801, between Azeem ul Dowlah, the present Nabob of the Carnatic, and lord Clive, now earl Powis, then governor of Madras. By this treaty it was provided that the civil and military government of the Carnatic, and the full and exclusive administration of the revenues, (with the reserve of a portion to be appropriated to the maintenance of the Nabob, and for the support of his dignity,) should be vested in the hands of the East-India co.; and that the 6,21,105 pagodas, as by marquis Cornwallis's treaty, should be annually applied to the discharge of the registered debts. This treaty with Azeem ul Dowlah, though last in order of time, was first in point of importance, because it was the foundation of the arrangement in July 1805, between the company and the creditors of the late Nabobs. What effect, said the hon. gent., had been produced by the enactment of the statute of 1784, and the several treaties which grew out of it, and which he had here described? With respect to the debt of the Nabob to the company, he was not called upon to enter into the subject, as his bill related only to the private creditors; nor was the question at the present moment very interesting; for whatever the debt might be, it must, in consequence of the superior productiveness of the Carnatic revenues under British management, be in a daily state of diminution, and at no very distant day be entirely annihilated. As to the effect upon the claims of the private creditors, the house will learn with satisfaction, that in May, 1804, the registered debts were completely liquidated. The directors were however aware, when upon the conclusion of Mr. Davidson's treaty, they ordered the participation of the 12 lacs to be confined to the 3 classes, which alone at that time had engaged their attention, and which afterwards went by the name of the registered debts, that further sums were owing from the Nabob. In those orders they stated that, according to report, the Nabob had contracted further debts, and that if any of them were due to British subjects, their presidencies were to give no countenance to them until a full investigation had taken place; a report had been made to the court of directors, and their orders had been received. In consequence of these directions, all persons were called upon to deliver their claims to a committee, who were appointed to receive and investigate them. This committee sat at Madras from 1785 to 1791, and took into consideration all the cases which were brought before them. Their report had been sent to the court of directors: and it was for a more efficient investigation of the claims upon which they had reported, and also for the examination of debts subsequently contracted, that the present arrangement had been established. The hon. gent. said he was bound here to notice, that some of the debts contained in the report from the Madras committee had been discharged by the orders of the company. He particularly alluded to the new cavalry loan, called new, to distinguish it from the old cavalry loan, one of the registered debts. The new cavalry loan was contracted during the second Mysore war with Hyder Ally, which commenced in 1780, and was advanced to the Nabob Wallak Jah, at a critical moment when the public service required it, for the purpose of discharging arrears of pay to his officers and troops, who were about to break out into an alarming state of mutiny and insurrection; so just were these demands, and so embarrassed were many of these creditors in their circumstances, that the court of directors ordered this debt to be discharged, in the same proportion as the old cavalry debt, out of their part of the twelve lacs of pagodas, leaving themselves at a future time to reclaim upon the Nabob. The sum thus paid, appeared by lord Clive's treaty with Azeem ul Dowlah in 1801, to have constituted at that time a part of the debt from his highness to the company. All the other unconsolidated debts were now to undergo a strict enquiry. Some of them were contracted by the Nabob Wallak Jah, antecedently to the promulgation of the statute of 1784 at Madras, in Feb. 1785, others by his highness subsequently to that period. Others were contracted after the year 1795, when Wallak Jah died, by his eldest son and successor Omdut al Omrah; others by the Ameer ul Omrah, second son of the Nabob, who died before his father. The Ameer had been prime minister to his father the Nabob, and all the property justly liable to pay his private debts, was, by a practice not uncommon in the native governments of India, seized by the Nabob. Hence to that amount the Nabob Wallak Jah was considered liable to the Ameer's debts, and to that amount the fair creditors of the Ameer were entitled to the benefits of the arrangement now under consideration. The East-India co. being of opinion that to pay without distinction all the numerous demands before stated, would be wasteful and unwarrantable prodigality, and that indiscriminately to reject all, would be the grossest injustice and cruelty, many of the debts having been contracted for civil and military services actually performed, or other fair considerations, came to an agreement with the private creditors of the late Nabobs of the Carnatic, to set aside an annual fund of 3,40,000 pagodas, with interest from May, 1804, the period of the extinction of the registered debts. This sum was first to be applied to the discharge of all claims approved in a manner which he should afterwards describe, and the surplus was to form a sinking fund for the redemption of the capital. That the East-India co. by the adoption of this measure, acted most honourably, most justly, and most laudably, would not, he believed, be denied. If the revenues were in the hands of the present Nabob, every gent. must allow that it would be for the honour and dignity of his highness, and that it would mark the equitable disposition of his mind, to appropriate a part of them in discharge of the just debts of his uncle Omdut ul Omrah, and his grandfather Wallak Jah; and the East-India co., as grantees of the Nabob, were bound in honour to pursue the same course. So forcibly indeed was that honourable obligation felt by the court of directors, that they had not, as when the revenues were in the possession of the late Nabobs, confined their care, as directed by the acts of parliament, to the interests of British creditors only, but allowed native creditors also to prefer their claims. It was likewise to be taken into the account, that when the Nabobs contracted these debts, they had no other means of payment than the revenues of their country, and to no other resource could their creditors look for the liquidation of their demands. Many of them, indeed, had received tuncas, or assignments, upon the revenues from the Nabob, directed to the Aumildars, or collectors, who nevertheless could not, or would not satisfy them. Hence the hon. gent. contended that, although the revenues were not strictly bound in mortgage, they were virtually pledged, into whatever hands they might fall, to the discharge of every *bonâ fide* claim. It was further to be considered, that the act of 1784, by directing the East-India co. to establish, in concert with the Nabob, a fund out of his revenues for the liquidation of his debts, recognized the principle that his revenues were justly applicable in such a measure. The 33d of the king, c. 52. sect. 146. by repealing many parts of the act of 1784, while it specifically retained the clauses relating to the Nabob's debts, again acknowledged the same principle. In pursuance of that principle, twice solemnly recognized by Parliament, the East-India co. had now consented that 3,40,000 pagodas should be annually set aside for the gradual liquidation of all the just debts of the late Nabobs. Had the directors acted otherwise, it would have been fairly imputable to them that, while the revenues were not their own, and their own property could not be touched, they were ready and willing, in conformity to the directions of the legislature, to aid British creditors in the recovery of their debts; but now the revenues belonged to themselves, now their own coffers might suffer, and their own treasury be affected, they turned a deaf ear to the creditors, forgot the spirit which governed the legislature, and pursued a contracted, a mean, and a selfish policy. Nay, the British creditors, whose demands were in existence before the promulgation at Madras of the act of 1784, would have a still stronger case against the court of directors, as they might say, "Now the revenues of the Carnatic are in your possession, you pay no attention to our claims; but had they not been granted away by the Nabob, you were bound in law to assist us in the recovery of our just debts, you could not refuse your aid. Thus we are placed in a worse situation now the Carnatic revenues are in the hands of our countrymen, than when they were the property of a foreign prince." Enough, he trusted, had been said to make it appear, that in honour, in justice, in regard to the principle twice sanctioned by Parliament, the East-India co. were bound to provide a fund out of the revenues of the Carnatic, for liquidating the *bonâ fide* debts of late Nabobs. But it might be asked on what conditions was the continuance of that fund to depend? The first was, "that it shall be annually set aside so long as the administration of the revenues of the Carnatic shall be vested in the East-India co." It was needless to shew that, if the revenues were placed in the hands of the Nabob, or in any other hands, the obligation on the part of the East-India co. to provide for the debts of the Nabobs, would no longer exist. If there were any gentlemen within the walls of parliament who, because they disapproved the political occurrences which had led to the treaty of assignment with Azeem ul Dowlah in 1801, or because they thought the title of the East-India co. to the revenues of the Carnatic to be wrongful, would therefore unsettle the system which had been established nearly 5 years, and restore things to the *status quo*, as before the treaty of 1801, such gentlemen could entertain no objection to this measure; because, as soon as their favourite scheme of restitution was accomplished, the deed of covenants was, by a special proviso, to become null and void. Nay, such gentlemen must rather approve the deed; for, being desirous to place the revenues in the possession of the Nabob, they must be glad that such a portion of the Carnatic revenues was from year to year to be applied, not to British purposes, but to the concerns of the Nabob. If due attention were paid to the consideration that the fund was to cease when the East-India co. had no longer possession of the Carnatic revenue, gentlemen would see that it was not now the time to argue the general questions, whether the musnud of the Carnatic was forfeited by the conduct of Wallak Jah, and Omdut ul Omrah; whether it was right to set aside Tajul Omrah, the legitimate or natural son of Omdut ul Omrah, to raise Azeem ul Dowlah to the musnud, and receive from him a grant of the revenues: such questions had no strict connection with the subject under deliberation, and had better, if necessary, be debated separately, not drawn collaterally into discussion in any of the stages of this bill. The question was not, what was the title of the East-India co. to the Carnatic revenues: not how they came by the possession of them: but whether, whilst they remained in possession, they had not done right in applying annually a part of them in satisfying the claims of such real creditors of the late Nabobs, as had an equitable lien upon those revenues? The other condition was, "that the company should annually set apart in their treasury, at Madras, the sum of 3 lacs and 40,000 pagodas, if, after defraying all the charges of collecting the said revenues, so much shall be realized to, and be received therefrom by, the said company, &c." The propriety of this condition was too obvious to need any comment. The house would learn with pleasure, that there was no chance of any interruption to the agreement arising from a diminution of the Carnatic revenues. As soon as the accounts shall be under the examination of the house, the hon. gent. said he believed it would appear that the net surplus for the year 1803-4, over and above the military subsidy of nine lacs, was about 340,000*l.* British money, a surplus exceeding that of the first year that the Carnatic was under British management. The surplus of that year, as stated by his noble friend, the late president of the board of controul (lord Castlereagh), in his budget speech of 1803, was only 269,000*l.* It was obvious that, without any improvement in the management of the revenues, the surplus of future years must be greater than that of the year 1803-4, as from May, 1804, when the registered debts were completely liquidated, the annual fund for the discharge of debts was no longer, as by marquis Corwallis's treaty, 6,21,105 pagodas, but only 3,40,000 pagodas. The difference, therefore, constituted a resource in the hands of the directors, for the diminution of the debt from the Nabob to the company, or for any other useful purpose. This difference amounted to about 112,442*l.* sterling, and being added to the surplus of 1803-4, would make the surplus of subsequent years rather more than 450,000*l.* Such was the increase of revenue under British care, while the Nabob lived, not in the embarrassed condition of his predecessors on the musnud, but in a state of comfort, affluence, and splendour. Such were the fruits derived from that undivided government which the late marquis Cornwallis wished to establish, as appeared from the following extract of his letter to the court of directors, dated the 10th of Aug. 1790: "I must freely own," says the noble marquis, "that I could not venture to propose any plan, on the success of which I could have any firm reliance, unless the Nabob could be induced by a large annual revenue, regularly paid, and properly secured to him, to surrender the management of his country for a long term of years, to the company.—The Nabob's age, his long connection with us, his right to the possession of the country, which, however, without our assistance, would have been but of little value to him, and exaggerated accounts of former services, may furnish topics for popular declamation, and may possibly engage the nation, from mistaken ideas of humanity, to support a system of cruelty and oppression; but whilst I feel conscious that I am endeavouring to promote the happiness of mankind, and the good of my country, I shall give very little weight to such considerations, and should conceive that I had not performed the duty of the high and responsible office in which you did me the honour to place me, if I did not declare, that the present mixed government cannot prosper, even in the best hands in which your part of it can be placed; and that unless some such plan as that which I have proposed should be adopted, the inhabitants of the Carnatic must continue to be wretched, the Nabob must remain an indigent bankrupt, and his country an useless and expensive burthen to the company, and to the nation." This, said the hon. gent. was a sufficient proof that the late marquis Cornwallis entertained a just conception of the best mode of promoting the British interests in India, and establishing the happiness of the native states connected with the company. The recommendation of his lordship was, in 1801, effected upon a more extensive scale by lord Wellesley, and in this respect the system of both, although it was the fashion of the day to point out the variances in their plans, was precisely the same. The hon. gent. added that his only intention was to state the advantages resulting from the *de facto* government of the Carnatic; whether, when its origin was taken into consideration, it was a government *de jure*, he would not now pronounce any opinion, as the question ought to have no place, for the reasons he had before adduced, in the discussions of the bill he should have the honour to propose. Having explained the origin, amount, and conditions of the fund to be applied, under the directions of the deed, to the liquidation of the just debts of the late Nabobs of the Carnatic, he then proceeded to state the mode to be employed in ascertaining the *bonâ fide* claims, in separating the real from the fictitious creditor. Three commissioners were appointed by the East-India co. with the concurrence of the creditors, for the purpose of examining the origin, nature, validity, and justice of every individual claim, and each claimant was bound to prove his debt. This proceeding was in strict conformity to the principle laid down by the late Mr. Burke, in his famous speech on this subject in 1785. "Enquiry," said that eloquent orator and sagacious statesman, "should precede payment, the *onus probandi* should be laid on the claimant." Both the parties had covenanted to submit, without appeal, to the decision of the commissioners, who were, however, restricted from allowing any claim which had its foundation in presents, gifts, or gratuitous allowances (other than the reasonable fees of lawyers, physicians, &c.), contrary to the acts of parliament in such cases provided. There was also another commission in India, which was, to act in obedience to the instructions of the commissioners at home, and report to them all the information and evidence they should be able to collect. That commission was also empowered to receive claims, for the sake of the convenience of those who might wish to prefer them in India, to hear all the evidence in support of, or in opposition to them, and to transmit it to the English commissioners, in whom alone the power of final adjudication was vested. The commissioners in England had proceeded, in execution of their official duties, to search every document tending to give them general information of a useful nature; they had examined with particular care all the proceedings of the committee at Madras, and looked into the nature and extent of a great variety of the claims. They had not, however, given judgment in any case, and the ground of this conduct, which he should hereafter state, would shew the origin of the present application to parliament. But although the commissioners had been prevented from exercising powers of a judicial nature, they had issued notices, and published them in the Gazette, and periodical papers, for the purpose of ascertaining the number of the claimants, and amount of the claims, which certainly was as considerable as stated by an hon. gent. (Mr. Francis) on a former night, and had taken every other step which appeared to them necessary for the furtherance of the important objects of the commission. But why had they not proceeded to adjudicate? this was now to be explained. A general outline or sketch of what was proposed to be detailed in the deed was sent by the court of directors to the commissioners, by which they were instructed "to found their proceedings in all cases on the voluntary oath of the persons appearing or called before them." By the deed, however, as would appear by the following extract from the 19th clause, a discretion, as to the mode of evidence to be required, was vested in the commissioners, "who are to be at liberty to receive proof by the testimony *vivâ voce*, or by examination on written interrogatories, or by affidavit of witnesses, and by production of written documents, and by the examination of the parties, and by reference to the accounts and vouchers of the said several Nabobs, and the said Ameer, and the proceedings of the said united company, and their court of directors, and committees, and of their governments abroad, and any committees, or officers acting under such officers, or otherwise, as shall be satisfactory to the said commissioners in England." The hon. gent. said, that he must request the attention of the house also to the last clause of the deed, which was as follows: "It is hereby declared and agreed, that in case the said commissioners in England shall be of opinion that the powers hereby intended to be vested in them are insufficient for the execution of the trusts reposed, according to the true intent and meaning of these presents, and that it is necessary they should be empowered to administer oaths, or compel the attendance and examination of parties, or witnesses on oath, or the production of papers, or that they should be invested with any powers, which cannot be vested in them without the authority of parliament, or that the trusts, intents, and purposes of these presents cannot effectually be carried into execution, according to the true intent and meaning of these presents, then, and in any such case, all the said parties hereto, and their respective successors, executors, administrators, and assigns, shall and will use their best and utmost endeavours to procure such act, or acts of parliament, to be passed from time to time, as the said commissioners in England shall think necessary or adviseable, for the purposes aforesaid, or any of them." The hon. gent. stated, that the commissioners were desirous of carrying into effect the evident preference of the parties, and calling, in all cases, for voluntary oaths; but they entertained doubts of the propriety of the proceeding. In a letter to Mr. Ramsay, dated the 27th of July, 1805, they observed, that "however prevalent the usage of administering such voluntary oaths has long been, and however anxious we may be to conform ourselves to the intention of the parties in this point, yet, after an opinion which, as we are informed, has been very recently expressed by the highest legal authority, upon the illegality of administering such oaths, it seems incumbent upon us, for the sake of all who are concerned, the East-India co., the *bonâ fide* creditors, and ourselves, to take the best means of informing our judgment before we issue notices, requiring all persons to take this voluntary oath previous to their evidence being received; for it is hardly necessary to state that we ought not to require any one to take an oath which no one is legally authorized to administer. We would therefore submit it to the parties, whether, as the most effectual and speedy method of relieving them and ourselves from this difficulty, which meets us at the outset of the business, it would not be desirable for them to take the joint opinion of the law-officers of the crown, and the counsel to the East-India co., on this question, the importance of which, in its application to this case, is too obvious to require comment. If those gentlemen should be of opinion that magistrates, in such a case as the present, are justifiable in administering a voluntary oath, we should feel ourselves warranted by the sanction of such respectable authorities, to act in conformity to the intention of the parties, and to refuse any testimony which is not tendered on oath. If they should entertain a contrary opinion, the parties and ourselves will have the satisfaction of knowing that we have no discretion upon the subject, and that we are under the necessity of receiving and deciding upon testimony, not on oath, because an oath cannot with propriety be required.—Whatever may be the result of that opinion, we should be much concerned if the readiness we express to proceed upon such evidence only, as the parties have considered to be the best that could be obtained, without the interference of parliament, should lead them to conclude that, in our judgment, such evidence would be as effectual for the execution of the trusts reposed in us, as that which is given under the sanction of an oath, administered in the ordinary course of judicial proceedings. On the contrary, we think ourselves bound to take this opportunity of declaring, and we feel ourselves more particularly called upon to do so, by the provision of the 17th clause of the plan, and the last clause in the deed, that, after having examined and considered the extent and nature of many of the claims contained in the papers and documents you have from time to time transmitted to us, we are persuaded that it will not be in our power to investigate and decide on the whole of them, with the same degree of satisfaction to all the parties concerned, as if we were legally authorized to examine persons regularly on oath. As soon, however, as we are furnished with the legal opinion, which we have requested, upon the point which forms the more immediate subject of our present communication, we shall adopt, without delay, such measures, and such mode of proceeding, as may appear to us best calculated, under the existing circumstances, for the attainment of the object of our commission. We beg the favour of you to take the earliest opportunity of communicating his letter to the hon. chairman, and court of directors. We have the honour to be, &c. R. Ryder; B. Hobhouse; Th. Cockburne."—The hon. gent. observed, that as this was the first occasion which had occurred of mentioning the names of the commissioners, he took the opportunity of informing the house that his hon. friend first named (Mr. Ryder) had been compelled, by weak and tender health, which no man lamented more than himself, to resign his situation, so that the commission had lost his important services. He did not make this observation in derogation of the considerable assistance received from his hon. friend's successor (Mr. Horner), a gent. in the profession of the law. The court of directors sent the letter of the commissioners, from which the extract which had been read was taken, to the three eminent counsel whose opinion was desired, and the following was their answer: "After what has fallen from the high authority alluded to, and from other judges on the bench, we are obliged to say, that at least so much doubt is thrown upon the legality of administering voluntary oaths that we cannot say that they may be administered with safety and propriety, nor can we advise the commissioners to require them to be administered. (Signed) "Sp. Perceval; V. Gibbs; W. Adam."—The following extract of a letter from the commissioners to Mr. Ramsay, dated Aug. 15, 1805, would shew the impression produced upon their minds, upon receiving the sentiments of these learned authorities, for whose judgment they, in common, he believed, he might say, with the house, and the whole nation, felt the highest respect. Having acknowledged the receipt of the letter from the India-house, containing the opinion of the counsel, they proceeded thus: "The result of the reference to the legal authorities, who have been consulted on that subject, of course makes it impossible for us to require any oath at all, and only serves to confirm us in the opinion we gave in the concluding part of our letter of the 27th of July. Under these circumstances, we feel it incumbent upon us, in justice to the parties, as well as to ourselves, to express that opinion, in the words of the last clause of the deed, viz. that the powers now vested in us are insufficient for the execution of the trusts reposed in us, according to the true intent and meaning of that instrument."—The house had now heard the circumstances which led to the application to parliament, and occasioned him to move for leave to bring in a bill. When the bill was introduced, the house would find no clause by which parliament confirmed or sanctioned the agreement of July, 1805, between the East-India co. and the creditors of the late Nabobs of the Carnatic. That agreement had been correctly drawn, and formally executed by the parties, and had received the sanction of the board of commissioners for the affairs of India, where the law had placed "full power and authority to superintend, direct, and controul all concerns and operations respecting the civil and military government, and the revenues of the company's territories and acquisitions in the East Indies." The deed was in a constant course of operation, and the commissioners had long acted in the discharge of their official functions. Hence the object of the bill was not to solicit a parliamentary ratification of the deed of covenants, but to obtain stronger powers for the commissioners, in order to the more effectual attainment of substantial justice. With this view it was proposed to give to the commissioners a power to examine upon oath, and subject the persons who broke it to the penalties of perjury. They were also to have a power of summoning witnesses, and calling for the production of papers, but they were not armed with the strong authority committed to the naval, and other parliamentary commissioners, because the commission, though of great public importance, was, technically speaking, of a private nature. On this ground no compulsory process was put into the hands of the commissioners, but the enforcement of obedience, the punishment of disobedience, and the recovery of damages for a breach of the statute, if the proposed bill should pass into a law, was left to the ordinary course of the courts of justice. Although this enlargement of the powers of the commissioners was the great object of the bill, it was naturally considered, as an application was to be made to parliament, what other salutary provisions could be added. There was one, which as it fell to his lot to move the bill, it was his duty to explain to the house: it related to the transfers of the property of successful claimants; that property, it was unnecessary for him to state, was but a mere *chose en action*, and therefore a vendee or transferee would possess but an equitable interest, and if he had occasion to sue for interest, or principal, must bring his action in the name of the original claimant, his executors, and his executors' executors. The intended clause was to give the transferee the legal in addition to the equitable interest, and to vest him with all the rights of the transferor. It was proposed, also, to protect the transfers, &c. from fraudulent counterfeiting, by punishing the crime, not with death, as in forgery of bills of exchange, but with transportation (as was not, he believed, unusual, where property far less considerable was at stake), or with lesser punishment at the discretion of the court.—The hon. gent. said, that his anxiety to possess the house of all the information on the subject, had led him into so great length. He had stated from the year 1784, when parliament first established regulations respecting the debts of the Nabob of Arcot, the funds which had from time to time been appropriated for their discharge, and the effects produced by the successive treaties and arrangements; he had shewn, and he trusted satisfactorily, the justice and propriety of the agreement which in July 1805, had been made between the East-India company and the creditors of the late Nabobs; he had, also, explained the grounds of the present application to parliament, and the leading provisions in the proposed bill. He trusted that the decision of parliament, whatever it might be, would be speedy. The commissioners were unwilling longer to remain in a state of inactivity as to the most important part of their duty, namely, the adjudication of claims. He had every reason to believe that many of the claimants were in the greatest state of pecuniary embarrassment; their claims should, as soon as possible, be brought to a decision; that, if solid, the parties might possess means of relieving their distress, and, if unfounded, they might be taught no longer to depend upon an unsubstantial resource, or to lean upon a broken reed.—The hon. gent. said, that he should here sit down; but that he was under the necessity of saying a few words respecting himself. There were many gentlemen in the house who could testify how unwilling he had been to appear in the situation in which he now stood, and how glad he should have been if any other gentleman would have brought forward this measure. One, and not the least of his objections was, that it was awkward, if not unusual, for a member of parliament to move that stronger powers should be given to a commission, of which he formed a part, which was equivalent to an application for stronger powers to be confided to himself. Both parties, however, had urgently requested him to stand forward on this occasion; upon the ground that a commissioner, who experienced the difficulties arising from want of powers, would be best able to explain them to the house. Had the commission been constructed as it was originally formed, and his hon. friend (Mr. Ryder) had still continued the commissioner, the argument would have been very forcible; but, when addressed to himself, it had no weight. His scruples at length gave way to intreaty: he should have been better satisfied if any other gentleman had introduced the measure to the notice of parliament, and any other gentleman, he was sure, would have done greater justice to the cause of the parties. After having stated, that if the house gave leave to bring in the bill, which was already printed, and read it a first time to-morrow, it was his intention to allow a sufficient interval for consideration before the second reading, the hon. gent. concluded with moving, "that leave be given to bring in a bill for enabling the Commissioners acting in execution of an agreement made between the East-India co. and the private Creditors of the Nabobs of the Carnatic, the better to carry the same into effect."

Mr. *Whitshed Keene* complimented the hon. gent. on the great talents which he had displayed in the course of his elaborate speech. At present, he did not see any strong objection to the measure proposed; but he could not help remarking, that, in looking over the list of claimants, he saw a number of names of persons bearing high situations in India, and who, perhaps, had no strong claims on the humanity and equity of the company in this instance. He must also observe, that, although in 1784 this country claimed no right of participation in the surplus of the revenues of the company, yet, from the year 1793, the public had a claim of half a million annually, which it had never received; and, on the contrary, it was now stated, that a million was due from the public to the company. This might be a consideration in the discussion of the measure proposed. He had not been aware, that the business would have come on that night, but should be prepared on the day appointed for the second reading, to offer such observations as the consideration of the subject should suggest.

[Stipendiary Curates' Bill.] Mr. *Perceval*, in pursuance of a former notice, moved for leave to bring in a bill, for making more effectual provision for the maintenance of Stipendiary Curates, and for their residence on their cures. He trusted it would not be necessary to trouble the house at much length on the expediency of the bill which he now proposed. A bill to the same effect had lately passed this house, but in consequence of certain alterations which it had undergone in the lords, and which were not agreed to by the house, the bill had, at that time, been lost. He trusted, that the bill which he now proposed, would meet with the concurrence of the house, as some alteration was rendered still more necessary than ever, by the rise in the value of livings, in consequence of the improvements in agriculture, and particularly by the depreciation of money of late years. He was convinced it would appear but reasonable, that, where a living was beyond 400*l.* a year, more than 75*l.* a year should be granted to the Curate.

Lord *Porchester* said, that it appeared to him, from what had fallen from the hon. and learned gent., that the proposed bill was founded on the same principle as the former: a principle which, he trusted, would never be recognised by the house. This bill was to give the Bishop the power of rating the income of incumbents, and assessing them according to his pleasure. It communicated an uncontrouled power which was liable to abuse, and authorised an invasion of the property of the subject. Besides, it would be premature to introduce such a bill, while a committee had been lately appointed to obtain information respecting the residence and situation of the Clergy. These enquiries should be completed before any such measure was brought forward.

Mr. *Perceval* replied, that he had heard nothing that ought to prevent the introduction of the bill. It might be brought in at present, and the house might pause before the bill received a final discussion, till the report of the committee was received. It could not be said that the power of the Bishop would be uncontrouled, since an appeal would lie to the Archbishop. The alteration in the value of money was such as must convince every man that 75*l.* per annum was not an adequate stipend to be paid to the officiating Curate by the non-resident Rector. The value of some livings in England amounted to 2000*l.* a year, and it was surely not unreasonable that the Bishop should have it in his power to increase the stipend of the Curate in some degree of proportion to the value of the living. The great object of the bill was to give such a power to the Bishop as might enable him to make adequate provision for the officiating Curate, who performed the duties of the non-resident Incumbent.

Lord *Porchester*, in explanation, said, no case had been produced to shew that the house should adopt this novel proceeding.

Mr. Secretary *Fox* said, he did not rise to oppose the bringing in this bill, but to observe that, in his opinion, the allowance to the Curate ought not to be proportioned to the wealth of the rectory, or living, but to the duty he would have to perform, and the relative situation in which, in other respects, he stood in the parish.—The question was then put, and leave granted to bring in the bill.

[Conduct of Earl St. Vincent.] Admiral *Markham* finding, on examination, that several of the papers ordered with a view to the motion of enquiry into the conduct of earl St. Vincent, and those particularly necessary to the vindication of the noble lord, had not been produced, moved that a return be made forthwith to the orders for an account of the ships ordered to be built by contract, the price paid, and the sums expended in the repairs of the said ships, particularly those of the ships Ajax and Achille; a copy of the statement of the master builder in his majesty's dock-yard at Deptford, of the price of each article used in building ships of the line at the commencement of the year 1805; a report of the expence per ton of building 74-gun ships at Deptford in 1800 and 1805 respectively. The book called Doomsday Book, contained an account of the original cost of every ship in the navy, and the sums expended in repairs upon her. But as some difficulty was stated to exist with respect to the production of extracts from this book, his anxiety for the full investigation of the noble earl's conduct, would not allow him to insist upon the production of those he thought to be wished for in this case, he moved that the returns to the orders alluded to be made forthwith, and he wished the navy board to be called to account for their not having been produced before.

Mr. *Jeffery* complained of the delays thrown in the way of the investigation of the noble earl's conduct. If the friends of the noble earl had attended to the papers as he had done, they would have seen the deficiencies, and have caused them to be timely supplied. As to the extracts from Doomsday Book, the title of that book was very apposite, for they could not be produced till doomsday. The book was ten years in arrear, and it would take twelve months to make it up. He had no objection even now to defer his charges for a few days farther. But if papers were required which would take up two or three months in preparation, it was evident it was intended to prevent the charges from being ever brought forward.

Admiral *Markham* appealed to the house, whether he could be chargeable with occasioning delay, in merely moving that the proper officers be called upon to produce the papers which had been already ordered. Had he moved for fresh documents, there might have been some shadow of ground for such a charge, though even then it might have been sufficient to say that such papers were necessary; but he had now only moved, that the navy board do account for certain papers being withheld, and be ordered to furnish them forthwith; he knew Doomsday Book well, and was convinced, that something similar to it might be speedily produced: but he should wave its production, to avoid the charge of wishing to cause unnecessary delay.

Lord *Howick* said, that he would not enquire into the motives by which the hon. gent. opposite to him was actuated, in reiterating those heavy charges against the noble lord; but he had never heard a more unfounded accusation than that which charged his hon. friend with the wish to occasion delay. The hon. admiral had moved for certain papers to rebut the charges which had been made, and to prevent the house from forming a partial judgment. Some of these papers had been withheld, from what motive did not appear; but they had not been kept back by any fault on the part of his hon. friend, who now called on the house to order their immediate production. Whether the hon. gent. would press his motion on Thursday next, or whether he would postpone it, it was for him to determine; but in common fairness, the house should first be in possession of all the documents necessary to throw light on the subject. He did not wish to ask any thing as a matter of favour from the hon. gent. but as he was convinced that the public had a great interest in the character of earl St. Vincent, and knew of no possible benefit that could result from the proposed discussion, he would submit it to the discretion of the hon. gent. himself, whether he would precipitate his motion, before there was time for the due consideration of the papers?

Mr. *Jeffery* declared, that nothing should deter or divert him from bringing forward his charges. It was a question in which the house and the country were most deeply interested. He had no objection to a reasonable delay, if care were taken to have the papers produced. But if an unreasonable delay were required, he would have additional reason to believe what he before suspected, that it was intended to throw every possible impediment in the way of the enquiry.—A return to the order for the production of the papers was enjoined forthwith.

[IRISH HOUSE DUTY BILL.] The report of the committee respecting the duty of 3*s.* payable upon certain Dwelling Houses in Ireland being brought up,

Sir *John Newport* moved, that the house do agree to the resolutions of the said committee. He said he wished to state shortly to the house the grounds upon which he should propose to take off this tax: up to the year 1793 houses in Ireland having but one hearth paid an annual duty of 2*s.* but in that year an exemption was granted by parliament in favour of houses of that description, provided the occupier produced a certificate to shew the value of the house. In the year 1795, that tax was continued without the exemption, and from that time it was renewed annually without any exemption. In the last session of parliament a duty of 3*s.* was laid upon all dwelling-houses not having more than 4 hearths, but it was provided that this tax should not extend to houses below the annual value of 50*s.* He felt it to be his duty to adopt every measure in his power for the relief of the lower classes of the people, provided it could be done consistently with the public service; and, therefore, he was induced to propose the repeal of this tax because it was one which pressed upon them severely. It was true that there was, as he had already stated, an exemption in favour of houses below a certain value, but this exemption was the cause of perpetual disputes between the occupier of the house and the hearth-money collector, because it made the latter to a certain degree the judge of the value of the house. It was true that the occupier was not bound to submit to the value which the collector might fix upon his house, but then it was necessary that he should apply to his landlord, or to the person who collected his rents, and then he had to go before a magistrate to obtain the proper certificates; so that in fact his loss of time and labour was more than equal to the amount of the tax. It was upon this ground that he should move for the repeal of a tax oppressive in its nature, and not very productive in its amount.

Mr. *Foster* said, he felt himself called upon to say a few words upon this subject. He had been under the necessity of proposing this tax last year, in order to raise the necessary supplies, but he was ready to admit that there was no tax which ought sooner to be taken off than this one, provided it could be done with propriety. When, however, he looked at the situation of Ireland, and of the finances of that country, he could not be an advocate for taking it off by this short cut as it was now proposed. The amount of this tax was about 20,000*l.* a year; and if it was true that the annual produce of the revenue of Ireland was not equal to the expenditure, he did not think it prudent to repeal it without due examination; but he begged to repeat again, that if it could be done with propriety he should be most sincerely glad of it. Before the house consented to repeal it, they ought to consider what tax they could substitute in the room of it; but this was not the time to go into this consideration, for he hoped the right hon. baronet did not mean to go on this occasion into a statement of the finances of Ireland when so few gentlemen from that part of the United Kingdom were present. The loan contracted for the service of Ireland for the present year was a very large one, and therefore it would be highly improper to take off taxes until some substitute had been provided, and he therefore wished this proposition had not been made till the right hon. bart. opened the Budget, when the house would have an opportunity of seeing whether the tax proposed as a substitute was or was not more objectionable or more oppressive upon the poor than the one which it was proposed to repeal. Suppose, for instance, the right hon. baronet should propose a tax upon iron as a substitute, he would venture to say that it would press much more heavily upon the lower orders of society than the present tax, and there would be no exemption from it. He begged to observe that the exemptions granted to the poorer classes in Ireland were much more considerable than they were in England or Scotland. He had thrown out these observations not with any intention of opposing the right hon. bart. because he was fully aware of the difficulties of his situation; he would always make his observations freely, but that should be as a friend, not an enemy.

Sir *John Newport* said, he could by no means agree with the right hon. gent. with respect to the amount of this tax, but even if the amount were as great as he had stated, he should still propose the repeal, as he did not think it formed a part of the regular financial system of Ireland. It was, as he had already stated, oppressive in its operation, and was calculated to produce perpetual jealousies and discontents. With respect to the tax which he should submit to the house in lieu of the one which he now proposed to repeal, that would be a subject of future consideration. It would be his duty on a future day to state to the house the ways and means for raising the supplies voted for the service of Ireland; and he would then endeavour to propose such a scale of taxation as, while it provided for the exigencies of the state, should press as little as possible upon the lower classes of society. The house would then have an opportunity of judging and deciding upon the whole of the subject. He did not however think, that upon the present occasion his proposition should be met with phantoms and with ideal taxes which he might hereafter propose. He alluded to what had fallen from the right hon. gent, respecting the tax upon iron. This, as he had already stated, would be a subject of discussion on a future day. The right hon. gent. had admitted that this was an eligible tax to take off if it could be done with propriety, and he hoped that he should be enabled to propose taxes in lieu of this, which would be equally productive, and less objectionable. The right hon. gent. had stated that the exemptions were more favourable in Ireland than they were in England, but it should be recollected that in England there was a certain criterion to go by, viz. the parochial rates, which did not exist in Ireland.

Mr. *Lee* said he wished the right hon. bart. would state the amount of the tax which he proposed to repeal, as he thought that was a point upon which the house ought to be put in possession. He did not mean to give any opposition to the motion at present, but he thought it would be better if the right hon. bart. had not brought it forward until he opened the budget.

Sir *J. Newport* said, he had not the slightest objection to state the amount of this tax, if he could do it with accuracy; but the fact was, that not above one-third of it had been collected, he could therefore only form a rough estimate of its produce. He was willing, for the sake of the argument, to take it at 20,000*l.* though he did not really think that it would produce above 6 or 7,000*l.* With respect to the other point, his reason for anticipating the budget, and bringing forward this motion at present was this, that if he had waited until that period, the collection of the tax for the ensuing year would have commenced, and then, if parliament had thought proper to repeal the tax, the consequence would be, that part of Ireland would have paid the tax, while the rest would be exempted from it.—The resolution was then agreed to, and a bill ordered to be brought in thereon.

[IRISH BANK NOTES DUTIES BILL.] The order of the day being read for taking into consideration the report of the committee respecting the Stamp Duties on Bank of Ireland Notes,

Mr. *Foster* said, he thought it would be much better that the practice in this country with respect to Stamps of Bank of England Notes should be adopted in Ireland, viz. that the Bank should pay a regular compensation in lieu of the duty of Stamps; but he wished that the composition should be made between the Bank and Parliament, and not between the Bank and the Treasury. This was a power which parliament could exercise itself, and therefore he did not think that it ought to be delegated to others. It was his intention, if he had remained in office, to have proposed a composition; but it would have been in the manner he had just stated. He then adverted to the paper currency of Ireland, which he said was so excessive as to depreciate itself; but this he thought might be prevented by putting the Bank of Ireland upon the same footing as all other Banks, and by preventing it from making such large advances to Government upon Treasury Bills. The latter he considered as a very desirable object, because, by advancing so much upon Treasury Bills, the Bank was prevented from affording as much accommodation as it might otherwise do to the public by way of discount. A measure had been adopted, which would have the effect of diminishing the circulation of paper, and that was sending over a large quantity of silver currency into Ireland. He did not know whether this practice continued; he hoped it did, but he woulb not press the right hon. bart. for an answer upon this subject. He objected to the mode of bringing forward this measure, and contended, that the plan now proposed was contrary to former practice, because, when the Bank compounded before, it was with the Parliament, and not with the Lords of the Treasury.

Sir *John Newport* said, he hardly knew how to follow the right hon. gent. in the observations which he had made. The right hon. gent. had admitted, that if he had remained in office he should have proposed a composition; but added, that he would not have fixed the rate of composition; and that it should be made with Parliament, and not with the Treasury. He begged leave to observe, that the resolution then before the house stated, that it would be proper to compound. When the Bill was brought in, it would be for the house to determine as to the quantum of the composition, and the persons with whom the power of making it should be lodged. That would be the proper time to discuss the points adverted to by the right hon. gent. There was one part of the right hon. gent.'s speech which appeared to him rather singular: he seemed to wish to diminish the quantity of Irish Bank Notes in circulation, and yet he wanted to increase the accommodation given by the Bank. He did not know how the Bank could increase its accommodation, except by increasing its issue of Notes; and it appeared to him that it made no difference whether the Bank advanced money upon treasury bills, or whether it advanced money to the public upon bills, bonds, or other securities. He had no difficulty in saying, that as long as the restriction respecting specie subsisted, something must be substituted in the room of it; and he did not know what substitute could be resorted to except Bank of England and Bank of Ireland Notes. With respect to the question which the right hon. gent. had asked respecting the sending silver currency into Ireland, he had no objection whatever to answer that question. Government had continued sending over silver to Ireland as long as the price of silver permitted it. Silver currency, to the amount of about 400,000*l.*, had been sent over, and was discontinued when the price of silver rose to 5*s.* 7*d.* per oz. It was only 5*s.* 1½*d.* when they first began to send over the silver. The sum which he believed it was originally intended to send to Ireland was 500,000*l.*; the sum actually sent was about 420,000*l.*; and he had no doubt that if the price of silver would permit it, ministers would willingly make it up to 500,000*l.*

Mr. *Foster* said, he thought the silver should be sent over, even though government lost by it. With respect to the composition, the resolution stated that it was to be made with the Lords of the Treasury.

Sir *John Newport* was of opinion that the composition must necessarily be made with the Lords of the Treasury, otherwise it would be necessary to apply to Parliament every year, or else to fix it once for all without any regard to time or circumstances. Giving the Treasury a power to make this composition with the Bank, would not create an improper connexion between them, or give the former any undue influence over the latter; and it was worthy of notice, that in the year when the composition was suspended, the Bank did advance a very considerable loan to the public on Treasury Bills.—The resolution was then agreed to, and a bill ordered to be brought in thereon.

HOUSE OF LORDS.

Tuesday, April 15.

[Minutes.] Lord Duncan took the oaths and his seat.—The Irish Militia Service bill was read a third time and passed.—The Irish Treasury Bills bill, and the British Fisheries Encouragement bill, were read a 2d time.—Mr. Hawthorn brought up the 20 million Loan bill, which was read a first time.

HOUSE OF COMMONS.

Tuesday, April 15.

[Minutes.] General Tarleton presented a Petition from certain Inhabitants of Liverpool trading to Africa, against the bill brought in for prohibiting the Importation of Negroes, in British ships, into the Colonies of Foreign States not at war with this country; and also into such islands as have been captured by this country during the war.—Mr. Jervis brought in a bill for rendering more speedy the trial of persons accused of offences committed in distant parts, on the high seas; which was read a first time.—Mr. Perceval brought in a bill for making more effectual provision for the maintenance of Stipendiary Curates, and for their Residence on their Cures; which was read a first time.—Mr. Huddlestone rose to acquaint the house, that he thought the production of certain India papers, for which he had intended to move, no longer necessary, as they were merely extracts from what had been already communicated in another place. He therefore relinquished his intention of moving for those papers. Lord A. Hamilton immediately gave notice, that on Monday next he would move for the production of those India papers which the hon. gent. had, to his surprise, declined moving for.—On the motion of Sir J. Newport, the order of the day for the 2d reading of the Dublin Paving bill was read; and after some conversation, in which lord De Blaquiere, Mr. Alexander, and Dr. Duigenan, took a part, the bill was ordered to be read a 2d time on the 1st of May.

[WATERFORD WRIT.] Sir *John Newport* rose to request the attention of the house for a few moments, to a motion which had been appointed for this day, respecting the Sheriffs of Waterford. He hoped, that if it should appear, that what had been done proceeded from ignorance, or inattention, the house would be inclined to pass it over, and that lenity would be shewn to those who had been chargeable with the oversight. But he would also submit to the consideration of his right hon. friend, who had given notice of the motion, that there had been some difficulty in the interpretation of the act on the subject, and that the law as it now stood in Ireland, had been the subject of considerable doubt, and difference of opinion.

Mr. Secretary *Fox* said, that he was disposed to pay every attention to what had fallen from his right hon. friend. The act imposed a pecuniary penalty on the sheriffs, unless the return was made within 40 days; but it was not meant to give them a discretionary power, to postpone their return of a member to the utmost limit prescribed by the law. Still, however, as some misconstruction of the act had taken place in certain instances, he did not wish to bear hard on any individuals, who had not complied with what appeared to him the plain meaning of the act. The only question for the house to consider would now therefore be, whether it would be proper to amend the act, so as to remove every doubt, or whether a resolution of the house would be sufficient to prevent any such irregularity for the future.

Mr. *Lee* stated for the information of the house, that the sheriffs in Ireland had a power which was not possessed in this country. In the case of a return for a county member in Ireland, the two attorneys-general of the different countries had given opinions diametrically opposite. This was enough to shew that considerable misapprehension existed on the subject of the act.

Sir *V. Gibbs* said, it was clear that the penalty could not be levied, if the sheriffs made their return within the period prescribed by the act.—Mr. Fox then agreed to abandon the motion of which he had given notice.

[WITNESSES' DECLARATORY BILL.] The Attorney-General having moved, that the house resolve itself into a committee on the Witnesses' Declaratory bill,

Mr. *Perceval* said, that though in his opinion there was no necessity for the present bill, yet he would defer his observations upon it till it had received those amendments which were likely to be made in the committee, and, therefore, he should not oppose it in the present stage of its progress; but he could not avoid making one remark on the bill, which had with him considerable weight. The design of the bill was to enact that to be the law, which was the opinion of a majority of the judges. But it appeared to him, that 6 out of the 8 judges, who approved of the principle of the bill, intended to give a qualified opinion. They seemed to think there might be exceptions from the general principle. The present bill, therefore, seemed to ascribe to them the unqualified adoption of an opinion which they entertained with certain exceptions. This was an objection which he should take an opportunity of urging against the bill, unless certain qualifications of the general principle were introduced into it.

The *Attorney-General* said, that since his learned friend had expressed himself dissatisfied with the principle of the bill, he submitted it to him, whether it would not be more consistent to oppose the bill in its present progress, and state fully his objections to the principle, than afterwards to urge those objections, when the house had spent much time and attention on the amendment of the bill, and which, after all, it might see reason to throw out altogether.

The *Master of the Rolls* defended the consistency of his learned friend. He could not help considering the present bill as unnecessary, but he would pay every degree of deference to the opinion of those who thought otherwise. If it should come out of the hands of the committee in a shape not very unsatisfactory, it should not then meet with much opposition from him. Had he been called upon to give his opinion on the subject of the bill, he should have given that which was held by the minority of the judges. But since the majority of the judges had given a solemn decision on the point, for the purpose of guiding the opinion of the lords on a bill before that house, he could not help considering the matter as sufficiently set at rest. He should think that no judge would henceforth act upon his own private opinion, in opposition to that of the majority, since it could not fail to be overruled by the majority of the judges. The law, therefore, was already sufficiently declared: there seemed no occasion for any interference of the legislature, and the house of lords had acted on the opinion which had been laid before them. But, as it had been already stated by his learned friend, the majority of the judges had delivered a qualified opinion. They said that, generally speaking, a witness was compellable to answer. This bill, however, converted into a universal proposition, what they only delivered as a general one. But he trusted that certain exceptions and qualifications would be introduced into the bill; and in that case, from the deference which he felt for the opinion of the judges, he should not oppose its passing into a law.—The house having resolved itself into the committee, several amendments were proposed by Mr. Giles, which were agreed to, and the report ordered to be received to-morrow.

[Capture of the Cape of Good Hope.] Lord *Garlies* said, that previous to the holidays he had asked his majesty's ministers whether they intended to move for a Vote of Thanks to be conferred on the military and naval commanders, to whose meritorious services the country was indebted for the possession of the Cape of Good Hope. He was then given to understand, that it was thought proper to wait for further dispatches that might communicate the account of the complete conquest of the Settlement. These dispatches had now arrived, and seeing his majesty's ministers in their places, he took the present opportunity of enquiring whether they meant to confer any mark of public approbation on those who had achieved that important conquest. A noble lord (Howick) had come down to the house with great alacrity in the case of sir John Duckworth, and he believed that had it been his particular province, he would have been equally forward on the present occasion.

Mr. *Windham* begged to state most distinctly to the house, in answer to the question of the noble lord, that his majesty's ministers had not abstained from proposin a Vote of Thanks on this occasion, from any want of approbation of the conduct of the officers and men who had been engaged in the expedition. They had done all that was wished to be done, and they had done it well; but it did not appear that the capture of the Cape was a military exploit of that splendid nature that called for such a distinguished mark of approbation as the Thanks of the House, which should not be made cheap by being too frequently conferred. A certain degree of discretionary judgment with regard to the more and the less, must be left with ministers; and on the best judgment that they were able to form, the achievement alluded to was not one of those which called for the solemn Thanks of Parliament.

Lord *Garlies* did not wish to enter into the merits of the conquest. The acquisition of the Colony—(Here the noble lord was interrupted by the Speaker, who observed that there was no question before the house.)

HOUSE OF LORDS.

Wednesday, April 16.

[Minutes.] Lord Grenville moved to send a message to the Commons, informing them that his majesty had been graciously pleased, in pursuance of an address of that House, to give directions for fitting up a place proper in Westminster-Hall for the Trial of Lord Viscount Melville. Ordered.—Lord Grenville adverted to the motion which had been formerly agreed to by the house, for the attendance of Witnesses on the 29th of April, relative to the charges against Mr. Justice Fox, and observed that it would be impossible for the house to proceed at the same time on the trial of lord Melville, and in the examination of the charges against Mr. Justice Fox. He therefore moved to discharge the order, and renew it for Monday, the 19th of May. The marquis of Abercorn assented to the motion; which was agreed to.—Lord Holland, after referring to the numerous Petitions on the table from the Debtors in the different prisons, praying for relief, stated that he did not think it necessary to detain their lordships by entering into any discussion upon the subject;

he should merely observe, that he had prepared a bill for the relief of that description of persons, which was framed in the same manner as former bills of that nature. He intended to propose, that the bill should be printed, and that it should be read a second time as soon as possible after the prints were ready. His lordship presented the bill, which was read a first time, and ordered to be printed. On the motion of the noble lord, several accounts were ordered of the number of persons confined for Debt in different prisons.

HOUSE OF COMMONS.

Wednesday, April 16.

[Minutes.] Lord Temple brought up a petition from Mr. Lyon, the agent for the island of Jamaica, against the bill to prevent the Importation of Slaves into such of our colonies and settlements in the West Indies, as have been surrendered to his majesty during the present war. His lordship said, that the petition had been put into his hands, and he therefore thought it adviseable to present it; but he begged it to be understood, that in so doing, he did not pledge himself at all on the subject matter of it. The petition was ordered to lie on the table till the second reading of the bill, and that the petitioners should be heard, by counsel, against the said bill, if they thought fit.—Mr. Mitford, from the exchequer in Scotland, presented an account of Grants made out of forfeited Estates in Scotland, and the Balances due out of the same. Also, an account of all Malt chargeable with duty in Scotland.—On the motion of Mr. Vansittart, the house resolved into a Committee of Supply, in which the usual Annual Votes for Miscellaneous Services were agreed to.—The house having resolved into a Committee of Ways and Means, Mr. Vansittart, with a view to the object of which he had given notice yesterday, namely, that of making a proportionate Addition to the Duty upon East and West India Sugar, moved, that an additional Duty of 1*s.* per cwt. should be imposed upon East-India Sugar imported. And also, that upon the exportation of the same, a drawback should be allowed of equal amount.

[Debts of the Nabobs of Arcot.] Mr. *Francis*, pursuant to his notice on a former day, rose to bring forward his motion for the production of papers respecting the Debts of the Nabobs of Arcot. But, before he proceeded to introduce his motion, he begged leave to put to the hon. gent. behind him (Mr. Hobhouse) a question or two, the answers to which might probably save some trouble. As it appeared that an agreement had been entered into between the directors of the India company and the creditors of the Nabob of Arcot, in consequence of which a commission had been appointed; he wished to know who were the persons forming that commission, and by whom they were to be paid? Not having been able to attend the house on Monday, when the hon. gent. to whom he referred, brought forward his bill, he was under the necessity of applying for more information upon this subject than perhaps other gentlemen required. He wished to hear it accounted for, why the hon. member should have been the person to bring forward this measure, particularly as he understood him to have stated that he accepted the office very unwillingly, and but yielded to the importunity of others?

Mr. *Hobhouse* said, it was his desire that the hon. gent. should be most fully and satisfactorily informed upon this subject. The hon. gent. had not been present when he had first stated his proposition, and moved for leave to bring in the bill, or his present question would not have been necessary. The commissioners, he said, consisted of three persons; namely, he (Mr. Hobhouse), a Mr. Horner, who was nominated in consequence of an hon. gent. Mr. Ryder, having withdrawn himself from the commission, and Mr. Cockburne: the former was a gent. conversant in the law; and the latter an old servant of the India company, and much experienced in India affairs. With respect to the authority for their appointment, it was made by the directors of the East-India company, in concurrence with the creditors. With regard to their remuneration, it was intended to be according to the habit of parliamentary commissions, namely, of that of the *quantum meruit*, when the business should be gone through. Hoping that this answer to the hon. gent.'s questions would prove satisfactory, he had only to assure him, that if the papers for which he intended to move were of the nature which he was taught to understand, his motion should meet, on his part, no resistance.

Mr. *Francis* thanked the hon. gent. for the very candid and satisfactory answer he had been pleased to give to his question. He confessed, that from the information which he had just received from the hon.

gent. he was under a mistake, for he had supposed that Mr. Fordyce was at the head of this commission; but he now found that that gent. was at the head of the creditors. There was something in this transaction, altogether, which was well deserving of, and to which he begged, the particular attention of the house. Why it should have found its way into the house at all, but still more why it was entertained, why it obtained a footing, he could account for on no satisfactory ground. Perhaps it was owing to the operation of interest, but sure he was that there was something very like contrivance about it. For himself, he could affirm that he never had an idea that any such proposition was in contemplation until he heard of the notice, just before the recess, of a motion for leave to bring in the bill. He knew nothing of a committee sitting upon the subject, and there were many others as well as he, whom the knowledge of that circumstance had entirely escaped until the time he alluded to. Then, as to the subsequent course of the hon. gent. The very day after the recess, the first upon which the report of the committee was deliverable, the hon. gent. came forward before, he (Mr. F.) would venture to say, five members of the house had read the report, and proposed a motion grounded upon it. This mode of proceeding no one could deny to be rather precipitate, upon a subject particularly of so much importance. To obtain a little more deliberation as to a circumstance which gentlemen were much mistaken if they supposed of inconsiderable interest, was the motive which induced him to call the attention of the house to the motions with which he meant to conclude. That all the presidencies in India were in great distress, was notorious. The house had the authority of lord Cornwallis for believing that the presidency of Madras was most seriously embarrassed; and that this, with the other presidencies, was running in debt as fast as money could be had to borrow. Into these general distresses, however, he did not at present propose to enter, nor should he go into any discussion about the general state of India. But he would confine himself to the particular object he had in view, which, he wished it to be understood, had no connection with any other question respecting India, which was before the house. Lord Wellesley had, he believed, nothing whatever to do with it. It referred principally to a consideration of our assets in India, and how far these assets were competent to meet the claims upon them. For it was material for parliament always to bear in mind, that what the India company could not discharge, would ultimately fall upon the finances of this country. Therefore it behoved the house carefully to examine every claim upon the resources of that company. He lamented that more of his majesty's ministers were not present at the discussion of a question of this nature, and that those who were present did not give to the question the attention which it deserved—(there was at the time some conversation upon the treasury bench). Still, however, he would persist in his purpose; and he promised those gentlemen that they would speedily feel that this subject must be attended to. At all events he would not fail to attend to it: for he was not one of those who could be sunk or broken down by the desertion or inconsistency of any set of men.—Reverting to the subject to which he was about to attract the notice of the house, the hon. member remarked upon the equivocal character of these frequent claims upon the Nabob of Arcot. A great deal of such claims had been already paid. After the payment of several millions (five or six), it was naturally supposed that no more debts were to be heard of. But still some pretended creditors started up. If such pretensions were attended to, he really believed that the whole revenue of the Carnatic would be insufficient to answer them; and if not, then they must come upon this country. He therefore cautioned the house to pause upon a transaction, of the character of which scarcely any one who heard him could be wholly ignorant; for every one must remember something of the Nabob of Arcot's debts; it was a tolerably notorious topic. That distinguished statesman, Mr. Burke, had many years since very properly stated his opinion, that a combination of evidence served to shew that sums had been distributed for a course of years, in the name of the old Nabob of Arcot, to the servants of the East-India company, in a most scandalous manner, and that there was strong reason to suspect that most part of the debts demanded were wholly fictitious. And that great orator shewed that, even if these debts were really due, they were, from their amount, calculated to excite alarm, as the affairs of the company were so distressed, as to be unequal to their liquidation. This the house would recollect was in the year 1784, when the situation of the India company was almost prosperity itself, compared to what it was at present. But even then, as Mr. Burke remarked, the company's servants were in affluence, while the company itself was very much embarrassed. Yet although such was the case, although the company's servants were possessed of no less than 10 millions, still their claims of three millions of debt upon our subsidiary princes were paid off by order of the board of controul, against the strongest remonstrances from the court of directors, seconded by the opinion of lord Macartney. This served to shew what might be done through the interest of individuals, notwithstanding this distress of the company's affairs; and as bearing very closely upon the present question, he requested gentlemen to look at the speech of Mr. Burke, to which he referred, and which, independently of its relevancy upon this occasion, must be read with pleasure by every man of taste; for certainly among all the productions of ancient and modern eloquence, nothing could be found worthy to be put in comparison with it. The hon. gent. adverting to the bill in progress through the house, observed, that it was not accompanied by any specification whatever of the amount or nature of the debts to which it was meant to apply. This specification it was his wish to obtain. Seeing that so many millions had been already paid on this score, and that the more these claims were paid, the more they seemed to grow, he desired at once to ascertain their precise extent; that knowledge attained, questions would then arise whether such claims were made by *bonâ fide* creditors or not; whether any, and which of them, should be paid; whether, in a word, under all the circumstances, that money should be granted to such claimants which ought to be applied to the support of our army and navy? That no equitable demands were to be found among those brought forward, he was not prepared to say. But, before any were acceded to, the house should be made acquainted with the whole amount. It would be unsafe to proceed without such knowledge, for if a comparatively small sum were at first granted, it would be difficult to say how far the house might be led upon the principle of that grant. It might not be known when to stop, and therefore he thought it best to make a stand *in limine.* The hon. gent. took occasion to appeal to the house and the country, upon the want of assistance he had experienced from those who ought to be forward, in consistency, to support his endeavours to procure a full investigation of the affairs of India. In this instance particularly there were many for whose presence and co-operation he had a right to look; among these was the respectable member for Norwich (Mr. W. Smith), whom he did not then see in his place, and from whom much useful information could be had upon the subject of India. There was another distinguished person whose aid he was entitled to expect—he meant the Treasurer of the Navy (Mr. Sheridan). In regretting the general absence of that right hon. gent. he was sure he only expressed the common feeling of the house. He lamented his absence for many reasons, but principally on account of the loss which the cause of India sustained in consequence. He most particularly wished that this right hon. gent. was more frequently visible in his place in that house, and as he had not the pleasure of seeing him there or elsewhere, he hoped that his wish would be conveyed to him, and induce him to attend. He trusted that the right hon. gent.'s becoming a minister was not to deprive that house of the advantage and pleasure which his abilities were capable of affording. The house had, unfortunately, for a considerable time but very seldom seen the light of his countenance. But it was to be expected that such absence would not long continue. He could not suffer himself to apprehend that that right hon. gent. would long decline to advocate the cause of justice. No. His mind and his feelings were too strongly attached to that cause to refuse it his aid, and his powers to serve it were still undiminished. For he would not believe that the volcano of that right hon. gent.'s genius could yet be burned out. After repeating his sincere regret for the absence of Mr. Sheridan, because he highly respected his talents and integrity, and because he would much value his assistance, the hon. member concluded with moving an "Account of all monies which have been paid to the private creditors of the Nabobs of the *Carnatic* since the passing of the act of the 24th of his present majesty, containing the names of the individuals to whom, or on whose account, the same have been paid, the several periods when the debts were contracted, and when paid, and distinguishing the several classes of debts called the registered debts, the cavalry loan, and the consolidated debt of 1777; and also distinguishing the principal of the said debts from the interest claimed or accruing thereon." This he thought the more necessary, as it appeared from the speech of the noble lord opposite to him (lord Castlereagh), which was afterwards published by him, (see vol. ii, p. 1158.) that the interest-money had been converted into principal, which was one principal cause of the great increase of the debt.

Mr. *Paull*, in seconding the motion, cautioned the house to beware how they sanctioned the principle upon which the bill of the hon. gent. (Mr. Hobhouse) was founded, as, if that principle were established, claimants would, no doubt, immediately come forward for above 3 millions, alledged to be due in the same way from the Nabob of Oude and other native princes in India.

Mr. *Whitshed Keene* seconded the motion; he said, he believed he could be able to throw some light on the causes which led to involve the Nabob of the Carnatic in such embarrassments and claims of debt from the company's servants. Having the honour of an early and long intimacy with lord Macartney, who was, at one time, sent out as governor to Madras, that noble lord, after his return to Europe, had told him, that he had scarcely reached the seat of his government 24 hours, when he received a message from the Nabob, requesting to see him: the noble lord accordingly paid an immediate visit, and was astonished to find it was for the purpose of being presented by the Nabob with a sum of money adequate to 30,000*l.* with proportionate tenders to the officers of his suite. Lord Macartney expressed much astonishment, and declined accepting the money, at the same time wishing to know the motives that induced such an offer: he was told by the Nabob, that it was quite a customary present to every new governor; had never been before refused; that there was no violation of propriety whatever in accepting it; and the offer was repeated, with a pressing request to take it, as it was considered a proper compliment to the head of the British Government, whom, ever since the taking of Pondicherry, he considered as his protector against the French. Lord Macartney, however, still persisted in his refusal, assuring the Nabob, at the same time, of his determination to render him every service and protection in his power, as earnestly as if he had accepted his present. But what was the result of this generous, upright, and exemplary integrity and independence of that noble lord to himself? Why, that his conduct was every where reprobated and reviled by the servants of the Company, and every pains taken to slander, misrepresent, and vilify him, for venturing such an innovation upon the system they had so long established; and lord Macartney resigned a government which he felt untenable, consistently with the feelings of a man of honour. Had the hon. gent. heartily approved the system of investigation so earnestly recommended by the hon. mover, and observed, that, though it might visit with compunctious feelings the bosoms and apprehensions of some men, who had, by a corrupt abuse of their mission in India, amassed rapidly enormous fortunes, those who had made an honourable and upright use of their authority there, had no terrors to meet, no qualms to be excited by the most scrutinous investigation: "Let the galled jades wince; *their* withers were unwrung."

Mr. *Hiley Addington* said, he had not the slightest disposition to oppose the motion of the hon. gent.; on the contrary, he wished to grant him the papers he required. He was very glad to observe, that the hon. gent., notwithstanding the declaration he had a short time since made, that he would decline all farther interference with India questions, seemed of late rather disposed to promote investigation into India affairs. He rejoiced at the circumstance; because, from the hon. gent.'s great knowledge and extensive experience upon India subjects, he was certainly competent to throw very important lights upon such subjects, and bring them home with more effect to the attention of the house and the public; which might have the good effect of rendering the servants of the company in India less lax in their duties. But his purpose for rising now was, to set the hon. member right in his conception of the bill, the true objects of which he seemed wholly to misapprehend. His hon. friend had not brought forward his bill with the precipitancy imputed to him, but had given fair notice of every proceeding with respect to it; and to his certain knowledge, the report upon which the bill was founded was delivered to members at their residence on the Friday before the bill was introduced. The bill was not a call on parliament to sanction the claims of the creditors of the Nabob of the Carnatic, nor to appoint any commissioners: those commissioners had been already appointed between the parties at issue, namely, the directors and the claiming creditors; and the commissioners, with an earnest view to the strict ends of justice, had been desirous of examining the parties brought before them on oath; which, however, it was found they were not legally authorised to tender. It was suggested then, that the parties might be examined upon their voluntary oaths; but, on consultation with eminent law authorities, it was found that this mode also was objectionable. The present bill, therefore, only called upon the authority of parliament to invest the commissioners with power to administer oaths for the purpose of their enquiry, and to render parties swearing falsely liable to punishment for perjury. It was not because the company wished any sanction from parliament to the authority of the commissioners to enquire, for to that they were already legally authorised, but with a view to procure for them such authority as should best tend to obtain that justice: not to evade the payment of debts justly due, but to separate just claims from fraudulent ones. The hon. gent. had said, his hon. friend had not voluntarily undertaken this business, but had been induced by importunity to bring forward this bill. It was certainly true, his hon. friend had expressed great unwillingness to interfere in this business, lest he should be deemed an interested party; but his known talents, good sense, and integrity, made it extremely desirable that a person of such a description should take an active part in the business, and he was induced by earnest entreaty to forego his scruples, and assume the part he had taken with so much advantage to the object proposed. In no instance had he betrayed the smallest inclination to precipitate the bill; on the contrary, he had set out with declaring his wish, that every member in the house should have the fullest information on the subject, and the fullest time that could be desired for considering it; and he was convinced, that if the hon. member now wished to postpone the further proceeding on this bill to a more distant day, his hon. friend would concur with the utmost readiness.

Lord *Castlereagh* described the purview of the bill, in the same light precisely as the last right hon. gent. He said that, with a very considerable portion of just claims in this case, there was blended an enormous one of unjust, unfounded, and fraudulent claims; and it was for the purpose of enabling the Commissioners to discriminate, that the bill was desired. The discharge of the just debts would be productive of important advantages to the company, and it was, therefore, desirable to ascertain them, in order to a speedy settlement; and, with respect to the apprehensions expressed by the hon. member, that those debts might ultimately form claims upon parliament, the idea was unfounded. The debts were charged upon the revenues of the Carnatic; whatever those revenues annually produced over the interest, would go to a sinking fund towards clearing off the principal, and when that was paid off, the whole revenues would revert to the company.

Mr. Serjeant *Best* observed, that the deed for the settlement of the claims under consideration, was so contrived as to hold out the prospect of doing too little, if any thing, for those who had equitable claims, and of doing too much for those whose claims were fraudulent. Many of the demands under consideration were, he contended, completely illegal, as they referred to sums lent against a positive act of parliament.

Mr. *Hobhouse* said, that after the statement made by his right hon. friend (Mr. H. Addington) it was scarcely necessary for him to animadvert upon the charge preferred against him, as a commissioner, for having introduced this measure to parliament. The explanation which his right hon. friend had given, he trusted, would be satisfactory to the house; and, if so, he should be at his ease.—There was, however, another accusation made by the hon. gent. (Mr. Francis), against him, which it was impossible for him to pass over in silence. He had been accused of hurrying this measure, and endeavouring to take the house by surprise. The hon. gent. had said that the printed report and papers were not delivered to the members until the moment before the subject was opened on Monday last. Here the hon. gent. was under a mistake. They were delivered at the houses of the embers early on Friday morning in the last week, so that nearly 4 days were allowed for the examination of a very small collection of papers.—The house having honoured him with their attention on the general subject for so long a time on a former night, he should not now have taken any part in the discussion, but for some observations which fell from his learned friend near him (Mr. Serjeant Best). His learned friend had insisted that the agreement between the creditors and the East-India co. was not founded on fair principles, because the terms were too hard and severe against the real creditor, while to the fictitious, all which he obtained would be gain. It did not appear to him that this argument was entitled to great weight. If the real creditor became a party to the deed, he had no right to complain of terms, for his execution of it proceeded from his own choice. If he declined to accept it, the deed did not stand in his way. He was, as before its existence, at liberty to pursue any means of recovering his debt, no remedy was taken away from him; the same redress was open to him. This alternative considered, his learned friend, he thought, would not be inclined to risk the same observation a second time. His learned friend had, also, spoken of the act of 1797, which prohibits the servants of the company from engaging in loans to the native princes of India. Although such loans were a violation of the orders of the company, yet that act, by prohibiting them, admitted their previous legality. Subsequently to the passing of that statute, if any person engaged in such loans, without the previous sanction of the court of directors, or the governor in council of one of the company's governments, the contract was void, and the party was guilty of a misdemeanour. The commissioners, though unrestricted in this respect by the deed, could allow no claim contrary to the statute.—After a few more remarks, by Mr. Serjeant Best and lord Castlereagh, the motion was agreed to.

Mr. *Francis* then said, that in prefacing his second motion, he should intrude but a few minutes on the patience of the house. In what he had said, he had not entered into the merits of the bill, good or bad. He had indeed stated, that the hon. gent. seemed to him to have carried on the measure with precipitancy; but that, he now agreed, had been sufficiently accounted for. As to his having insinuated that the hon. gent. was himself interested in the measure, he begged it to be understood that he had not insinuated, but had expressly stated, that he did not think the situation of a member of such a committee and of a member of this house exactly compatible; and what had been stated as to the scruples entertained by the hon. gent. himself, as to the propriety of the bill originating with him, seemed to shew that he himself was not exactly satisfied that two such characters ought to be united in the same person. The noble lord opposite had admitted that many of the claims made against the Nabob had no existence in truth, of course that there were here enormous frauds to guard against. He was certain that all the persons who at present formed the court of directors were men of honour and probity, but he could not say what they might be 20 years hence. It could not be said there never was an instance of a man's sacrificing the interest of any corporate body with which he might be connected to individual feelings. All he contended for was, that the thing was possible. As to the validity of many of the debts, he had to state a fact, that a house of great eminence lately failed at Madras, among whose assets was found a paper, amounting to 10 lacks of pagodas, of the Nabob of Arcot's. The house had employed the money entrusted to them in buying up the paper of this prince, which, from being a drug, worth next to nothing, and which in all probability did not cost more than 2*d.* in the pound, would, if admitted without proper enquiry, produce a fortune to the holders. This, he thought, deserved serious attention. He had used the freedom, in making his former motion, to call the particular attention of certain individual members to the business. He now begged, in addition, to request to it the attention and assistance of the honourable directors, and particularly of their respectable chairman whom he now saw in the house, who, he hoped, would, if possible, attend and give his assistance in the discussion. As to an observation by an hon. gent. (Mr. Addington), he had to state that he never did say that he would not, in future, attend to Indian affairs, although what he did say on that occasion had been misrepresented out of doors. He had put what he then said on record, (see p. 394), and to that he referred. He then concluded by moving for an account of the several debts now due or demandable from the said Nabobs, distinguishing as in the former motion.

Mr. *Grant* declared that he had no objection to any scrutiny of the kind. No person could be less interested in it, personally, than he and the other members of the court of directors. The interfering in the business originally, was very far from being a favourite with the directors, and if they could, they would have had nothing to do with it. They only believed that there was actually something due to the creditors, and all their wish was that this should be paid. Such was the object of the bill. That it could have the effect of making a rise in the value of the debts, he could not conceive. The very reverse must have been the case. It reduced the annuities at the outset, to the one-half, by making the interest 6 instead of 12 per cent.; and the principal must have experienced a proportional depreciation.—The motion was then put and agreed to.

HOUSE OF LORDS.

Thursday, April 17.

[American Intercourse Bill.] Lord *Auckland*, in moving the order for the 2d reading of the bill upon this subject, briefly adverted to the circumstance of a noble friend of his, then absent, who would reserve his sentiments upon the subject for the committee. He would therefore move, "that the bill be now read a 2d time."

Lord *Hawkesbury* did not mean to oppose the motion, particularly as he understood from his noble friend, that it was intended to render the prospective part of the measure, or rather that which was thrown out on a former evening, as intended, by means of an additional clause, respecting the discretionary powers to be vested in the governors of the islands, the matter of a distinct and separate bill. Respecting this very important consideration, however, which involved topics of the greatest consequence to the commercial interests of the empire, he had it seriously to recommend it to the attention of ministers, that under the circumstances, it was preferable to postpone the discussion of that part of the subject till the next session. This proceeding would not only not operate injuriously, but not be productive of any inconvenience. His lordship pressed this point upon the serious consideration of ministers, and adverted to the importance of any topic which so deeply involved the commercial concerns of the country, and its navigation laws, as that to which he alluded.

Lord *Auckland* shortly expressed his opinion, that his noble friend seemed to misconceive what had fallen from him.

Lord *Holland* made a few remarks on the occasion, and seemed to entertain a similar idea with his noble friend, respecting the misconception of the noble lord opposite. With the latter, he concurred that the subject adverted to was one of considerable importance, and that full and ample time ought to be allowed noble lords to investigate and to make up their minds upon the subject. However, he did not deem it necessary to postpone the consideration until the next session; for that, on Monday next, it was his intention to bring forward a bill to the effect alluded to, and for the consideration of which, previous to its second reading, he certainly meant to give full and sufficient time.—The bill was then read a 2d time, and committed.

HOUSE OF COMMONS.

Thursday, April 17.

[Minutes.] A new writ was ordered for the borough of Kinsale, in Ireland, in the room of Samuel Campbell Rowley, esq. who has accepted the Chiltern hundreds.—Mr. Francis, previously to the 2d reading of the bill for extending the powers of the commissioners for liquidating the Debts of the princes of the Carnatic, wished to throw it out, in the way of a suggestion, or a notice, that he thought it extremely proper for the members of that house, who were of the legal profession, to be prepared to give an opinion, whether, by the fair construction of the act of 1784, the court of directors of the East-India company had a right, by law, to delegate the powers with which they were invested by the act, to commissioners or any other persons?—On the motion of sir P. Stephens the house went into a committee on the acts relating to the discovery of the Longitude. A resolution granting 10,000*l*. for the purposes of the act was agreed to.—On the motion of sir J. Sinclair, a committee was appointed to examine into and report upon the grants already made payable out of the Forfeited Estates in Scotland, as also the balances relating thereto.

[Witnesses' Declaratory Bill.] The house having resolved itself into a committee on this bill,

The *Master of the Rolls* said, that from what had passed upon a former occasion, he had reason to expect that such objections as he had stated to it, would have been obviated; and even though he had found it to be so intended, he knew that, having declared his opinion that the bill was quite unnecessary, he was not bound to contribute any thing towards the perfection of it. However, finding also that the house was called upon to declare the provisions of this bill, according to the opinions of the twelve judges, he thought it right that the provisions should be made as much as possible to correspond with those opinions, as they were delivered. The judges by no means laid it down as an universal proposition, that witnesses were bound to answer all questions, to criminate themselves. They all admitted that there were exceptions, and therefore he did not think the legislature should interfere, so as to establish a rule, which does away all exceptions. He did not know that they had stated any particular cases of exception, and he could only conceive them to have meant, that a man was not bound, in courts of law, to answer questions against which he would be protected in a court of equity. What he wished, therefore, was, to leave the discretion of the judges in a court of law, the same as it would be if no such bill existed, and authorise them to afford the same protection to witnesses, as would be allowed them in a court of equity. For this purpose he moved a proviso, "that nothing in this act contained should preclude a witness from objecting to such questions as he would not be called upon to answer in a court of equity; nor preclude the judge from deciding on the validity of such objections."

The *Solicitor-General* (Mr. Romilly) said, that he had so high a respect for the opinion of his right hon. friend, that it was with great unwillingness he felt himself obliged to dissent from him on the present occasion. The great objection he had to this proviso was, his conviction, that the rules of evidence at common law could not be reversed, or remedied, by the authority of any court of equity, neither were they, in fact, determined even by the statutes. No judge, in a court of common law, would allow a witness to state, as an objection to a question, that he would not be compellable to answer it in a court of equity. He saw not the least necessity whatever for this proviso, which might occasion the bill to be thrown out in another house. This bill would not oblige a judge to compel a plaintiff to prove that the debt he sued for was an unjust one, nor would a court of equity compel a man to disclose a forfeiture of his estate by a breach of contract; but the same rules were not applicable to courts so distinct. At *Nisi Prius*, the judge must, of necessity, take upon him to decide on a sudden, what, in a court of equity, might turn out to be a matter of great nicety, and requiring mature deliberation. Upon these, and various other grounds, he opposed the proviso, as being totally unnecessary.

The *Attorney-General* said, he gave his right hon. friend, who spoke last, full credit for having the very best intentions; but, though the bill originated in another house, which was itself the supreme court of judicature in the kingdom, and, of course, attracted the attention of the highest and most distinguished law authorities in the country, he could not help feeling, that it was capable of being predicated of the bill, that, in its present shape, it did not declare what was, in fact, the opinion of the twelve judges, who all admitted that there were exceptions to the general rule. He was, therefore, in favour of the proviso; for, as the law would stand according to the present bill, the judge would have no discretion, but be obliged to compel a witness to disclose every thing. A man, for instance, may hold an estate by a defective title, of which he had no notice when he gave a valuable consideration for it, but by this bill, the judge could leave him no alternative, but compel him to disclose, upon oath, that defect, which would, at once, reduce himself and his family, perhaps, from affluence to a workhouse. The laws of evidence, in courts of justice, were not the same now as at the time of the Crusades to the Holy Land, from which period, he believed, they took their date; for, during the space of 30 years that lord Mansfield presided in the court of king's bench, he established a variety of rules which were not in use before, and subsequent chief justices had followed the same precedent. Upon full consideration, he was satisfied, that if the bill were not qualified in the manner now proposed, the judge could do nothing in such cases; and bound, by a declaratory law, could not even listen to any just objections relating to the effect which evidence may have in any civil suits to be afterwards instituted.

The *Master of the Rolls* said, that his learned friend (Mr. Romilly) certainly possessed, in a very eminent degree, the faculty of expressing himself with great accuracy, as well as fluency; but notwithstanding these advantages, he must confess, that with all the attention in his power to give to his observations, he could not comprehend whether he gave it as his opinion, that after this bill should pass into a law, the judge would have the same discretionary power in these cases, as he possessed at present. If that were the true construction of the bill, he should not persist a moment longer, nor have any objection to withdraw his motion, which would be rendered unnecessary, if the judge were not bound to decide according to this law. If the house should think proper to do so, he should feel no reluctance to referring this bill, in its present form, to the twelve judges, and call upon them to say, whether it were declaratory of their opinions? For his own part, he could not find the rule so much insisted on, in any of the books of law, except in cases where it had a reference to the proceedings of a court of equity; neither did he know of any authority on which the judges could have been induced to ground their exception, except that of a single case, to be found in the Reports of lord chief justice Parker. The case he alluded to was that of M'Queen *v.* Newman, in which it was held, that a witness was not bound to answer any questions, against which he would be protected in a court of equity. Lord Mansfield, through a long course of years maintained the same doctrine; but his successor, lord Kenyon, denied even the existence of the rule. The same judge, however, in a case of an arbitration, which afterwards failed, decided on the trial of the cause in court, that the party was not bound to disclose any compromise he might have offered to make, under the circumstances of the arbitration. But however these decisions might occasionally have varied, of this he was positively certain, and ready at any time to maintain, that according to the genius and principles of the old law of England, a witness was no more compellable to confess a debt than he was to confess a felony. Were it otherwise, the consequence must be, that in a civil suit, a man might be obliged to disclose a former transaction, in which he was guilty of perjury, the effect of which might be to ruin him in his circumstances; in many cases, even to affect his life. In treating of this subject, in his Commentaries, Blackstone observed, that the law was different on both sides of Westminster-hall; for that the court of chancery decided one way, and the court of king's bench another; but he continued to say, that he felt himself at a loss to determine how this variance could be reconciled to the common sense of mankind. He was, however, very far from being disposed to agree to this observation of Mr. justice Blackstone; for, to carry it to its full extent, it would tend to destroy all distinction between courts of law and courts of equity. The apprehension entertained heretofore upon this subject was, that the courts of law might one day carry the rule as far as a court of equity; but the effect of the bill would be, to make them go much farther. As far as he was informed on the subject, no law yet made, ever imposed on a defendant the necessity of proving that his demand was not a just one; otherwise a man who had no evidence by which he could enforce a claim, might prove it by the oath of the plaintiff himself, give a full disclosure, and afterwards subject him to the penalties of perjury, for not giving evidence against himself; a principle which he believed was not to be found in the judicial or municipal proceedings of any country. So far was it otherwise with us, that in all cases of felony, the judges were in the habit of cautioning witnesses against making admissions, or giving any evidence which might eventually subject themselves to punishment. By the old law of England, until the reign of king William, when it was abrogated, a man, even in actions of trespass, was liable to amercement, for not obeying the king's writ; but no attempt was ever made, even in former times, to exact from any defendant a confession of that disobedience which would subject him to a penalty. The general rules of evidence, in common law, were not governed by statutes, nor by any analogy with the proceedings of the courts of equity; for down to the statute of Henry VIII. no such thing as a court of chancery was ever known to the laws of England. Another bad consequence would, in his opinion, result from the law, as it was now proposed, which was, that for the purpose of enforcing it, the courts of law must, before their decisions upon such points, be acquainted with the practice of the court of chancery, which every one conversant with it must know, was only to be learned in that court itself; thus they made the rules of common law courts conformable to those of another court, which was not recognised, or even known, in law, at the time that these rules were established. For all these reasons, he considered the objections offered, to be invalid, unless it should be proved that the proviso itself was unnecessary.

The *Solicitor-General*, in reply to what was asked by his right hon. and learned friend, in one part of his speech, was happy in being able to declare to him his decided opinion, that after this bill should pass into a law, the judges would be as much at liberty to protect a witness from any disclosure, by omission of the conditions of forfeiture, or any defect of title to estates, as they would be, if there were no such law in existence. He would not presume to state, that the ingenuity of some gentlemen might not devise a case, but his imagination was incapable of forming to himself any, in which a witness, if questioned as to any defect of his title, might not answer, under the sanction and protection of the court, "I do not think myself obliged, and therefore will not answer any question, the effect of which may be to deprive me of my estate." In considering the opinions as delivered by the twelve judges, he did not find that there was any one of them who stated, that the rules of evidence in courts of law were to be governed by any reference whatever to those of equity, but that they all maintained a contrary doctrine. As to the necessity of this declaratory bill, he said it arose from the uncertainty which prevailed upon the subject, from the sentiments expressed by some of the judges; and he considered that necessity to be increased by the authority of his right hon. and learned friend (the master of the rolls), who seemed to concur in the opinions of the minority. It was some satisfaction, however, to reflect, that, to the 8 judges, whose opinion was in favour of the obligation on witnesses to answer such questions as might afterwards subject them to civil process, were to be added the authorities also of the present and late lord chancellor: so that of the persons who must be considered as best qualified to decide, there were 10 who maintained, that witnesses could not protect themselves from answering such questions, against only 4 who seemed to hold a different opinion.

Mr. *Perceval* said, he thought it would be much better if the bill had not been brought in, and very much to be desired that it should not pass. It was a great pity the other house did not put the question to the learned judges, in order to know precisely, what the exceptions were to which they alluded in their several opinions. Instead of this, as he had been informed, a similar proviso to that now under the consideration of the house, was introduced in the lords; and after considerable argument, negatived; and then they send it down to this house, and put them into the dilemma in which they now found themselves. It was evident, that the attorney and solicitor-general were directly at variance on the point, and therefore he thought the bill ought not to proceed, especially as it was, in his opinion, altogether unnecessary. Certain he was, that it would be better the proviso should stand, than that the bill should pass without it, as it was the only mode that could, with propriety, be adopted, to get rid of the objection.

Mr. Secretary *Fox* said, it had been his particular wish to hear the opinions of the learned gentlemen of authority, before he rose to say any thing on the subject, and in having done so with the utmost attention, he could not but say, that he differed entirely with the learned gent. who spoke last, who had certainly delivered his sentiments with great force and perspicuity. He was, for his own part, after every consideration he had been able to give the subject, decidedly in favour of the bill; but he agreed entirely with his learned friend near him (the solicitor-general), that it ought not to pass with the proviso. He thought, at the same time, that what this bill declared, was not the precise opinion of the majority of the judges; but what had been said in the course of the present debate completely convinced him, that the bill ought to pass; for when there was so great a difference in opinion among men of such high authority as the judges, and also among gentlemen so learned in both the theory and practice, as the right hon. gent. (the master of the rolls), as well as the other learned gentlemen who had delivered their opinions on the subject, he thought it was high time the law should be made clear, and no doubt left remaining on the subject. He observed, that great stress had been laid on the words used by the learned judges in delivering their opinions; namely, that in speaking to the point in question, they say, "generally," or, "generally speaking," a man is compellable to answer; though he may, by so doing, render himself liable to a civil suit. But he could not suppose they meant otherwise, by the words "generally speaking," than that he was compellable to answer, leaving it to be determined by the judges, whether this civil suit were of that nature as ought to bring him within any of the exceptions to which they had many of them referred, but which, unfortunately, had not been explained. The question, however, now was, whether the doubt which prevailed should be removed, and he thought it could not be done too soon. The opinion of the right hon. and learned gent. (the master of the rolls), seemed to him to be, in a great degree, warped, by adverting to the practice of the court in which he so very ably presided, but which, it was to be recollected, was a court of equity, the rules of which were very different from those of the common law. The right hon. gent.'s argument went to impugn the opinions of the majority of the judges; but, highly as he thought of the right hon. gent.'s abilities, he did not think he should be justified in allowing himself to set it up against the opinions of the majority of the judges, who had, by their superior knowledge and abilities in the profession and practice of the law, raised themselves to the first stations of authority in it, and gave those opinions in the most serious and solemn manner, on a most important occasion. For his own part, he was clearly of opinion, that the majority of the judges were right in the decision they had come to; but he did not mention his own sentiments, as of the value of a feather, in aid or support of what had been delivered by them. Then, said the right hon. gent. (Mr. Fox), comes the question, whether the courts of law are to be sent to enquire into the merits of the subject, from the court of chancery? He was, he owned, very much surprised, that any such doctrine could have been held, or even conceived. It was well known, the courts of law were much more ancient than that of equity; and had rules by which they were governed, before the court of equity was ever known in this country; and he believed lord Holt, or any of the great and learned judges who presided in the courts of law, both before and after him, would have been startled at being told, they were to apply to a court of equity for rules, by which they were to proceed in the courts of law. But the right hon. and learned gent. had said, he did not send you to a court of equity, he only travelled with you there; but he did not see, for his own part, what the court of equity could possibly, in point of fairness, have to do with the question at all. He had looked over the papers containing the opinions of the judges, and he believed there was not in any of them the smallest allusion made to a court of equity. He had no doubt but the learned judges had formed their opinions on the general principles of the common law of England, and not with the smallest analogy or reference to a court of equity. He thought, therefore, no man would wish for this proviso, if the bill could pass without it. He had not had the advantage of hearing the opinion of the judges delivered, but he should be glad to know, if their opinion were asked, as to this proviso, if any one of them, even of those who were in the minority, would be in favour of this proviso? He believed not; on the contrary, he was almost certain they would be against it to a man, as tending to infringe on the line and rule of their own conduct, and to subject them to the guidance of the rules of another court, very different from their own, both in point of principle and practice. It had been mentioned by some hon. member, that this proviso had been introduced into the house of lords, and partly adopted by them, but that it had afterwards been rejected; this to him appeared very extraordinary, that the house of lords, immediately after they had received the opinions of the judges, and while they were warm in their recollection of them, should adopt this proviso, and should afterwards, without any particular reason being assigned for it, proceed in so contradictory a way, as to reject it. If this argument proved any thing, it was that the lords were clearly of opinion, that the proviso ought not to be part of the bill, because it militated against the opinion of the majority of the judges, which ought also to weigh materially with that house. If the case of a purchaser for a valuable consideration, without notice, be allowed, it might perhaps be better to insert the proviso; but it did not appear to him, from all he had heard on the subject, that it ought to be, and the right hon. and learned gent. had not stated any other exception. The house would, however, call to mind, that when the judges delivered their opinions in the house of lords, they were serious. They did not conceive it to be a light or trivial point, and when they said "generally," they meant, he was well satisfied, "solely." He hoped, therefore, the house of commons would consider whether the proviso was necessary; and if they should be of opinion that it was so, he, for one, would much rather the bill should not pass at all

Mr. *Jervis* said, that when he came to the house, he was rather under an impression on his mind, that the bill required some modification; but from the arguments he had heard, and particularly those which had just been delivered with so much force and eloquence, by the right hon. gent., he had entirely altered his opinion; and upon more minutely looking into the words of the proviso, he thought it contained no more than the opinion of the majority of the judges: as such he should certainly vote against it.

Sir *V. Gibbs* said, that he thought the arguments of the right hon. secretary of state were extremely forcible, and they had completely convinced him that the bill would be far better without the proviso. Nothing could be more clear to him, than that the judges of the common law should not be obliged to refer for rules to a court of equity, for, as had been most ably enforced, the common law existed long before a court of equity was ever known or heard of. The court of equity was originally instituted for the purpose of softening the rigour and severity of the common law, the courts of which had always been governed by their own rules. The court of equity had unquestionably taken rules from the courts of common law, because it was indispensably necessary to them, but it had always been the reverse in the courts of common law, the judges of which had uniformly been governed by their own rules. Another reason which induced him to disapprove of the proviso, was, that the bill declared what the opinion of the majority of the judges was, and they, in delivering those opinions, had not, in any one instance, referred to the rules of equity. He thought that, from the expression "generally speaking," the judges did not lay down the rule universally; but, as the house were now about to declare the law, they should be extremely careful not to do so, contrary to the opinion of the majority of the judges.—The question was then put, and the proviso negatived.

[MILITARY OPINIONS RELATING TO THE ARMY.] Mr. *Yorke*, pursuant to notice, rose to bring forward his promised motion for the production of "Copies of all Military Opinions in writing as may have been given, in consequence of a requisition from his majesty's government, on the subject of recruiting the Army in future, by enlisting for a term of years." He had, he said, flattered himself with the expectation, that no objection would have been made by his majesty's ministers to the production of papers so indispensably necessary to the information of the house, in order to enable them to discuss the principle proposed by the right hon. gent. for enlisting soldiers for limited periods, and consequently to determine on the propriety of its adoption. He understood now, however, that there were some objections for which he was at a loss to account, when he considered the repeated professions, made by his majesty's ministers, of their desire and readiness to give the house the fullest information upon every subject, and more especially upon one which involved the vital interests of the country, and perhaps the future existence of our army. However necessary he thought the production of those opinions, as documents for the better information of the house, he did not mean to say the house should be entirely guided by those opinions; but he did hope, that the house would not finally decide upon a question of such magnitude, without consulting the opinions of general officers, whose experience in the military service must render them competent to give the most important and necessary advice upon the subject. The only reason he had yet heard from his majesty's ministers, for the adoption of a principle so perfectly new to the British service, was, that the principle had been long adopted in other services on the continent of Europe; but he had good reason to believe, that there was no service in Europe where limited enlistments prevailed, without preserving also some principle of conscription; and that it was the uniform custom of those services, at the expiration of such terms of enlistment, not to discharge a man until the completion of the army to its full complement was ascertained. On this fact he had the authority of the late British quarter-master-general, in whose hands he saw a very long detailed document of the principle pursued in the Austrian armies upon this head. Whether this document would be laid before the house or not, he was unable to tell; but surely the house ought at least to be furnished with the opinions of the officers of our army, which were the best authorities parliament could resort to. Such opinions, he understood, had been given to his majesty's ministers, and surely they ought to be laid before the house. In those opinions he understood there was some difference; some were in favour of, and others opposed to, the principle of limited enlistments; how the balance preponderated he could not tell;

but if the opinions of eminent military men were thus at variance, it was a still stronger argument to prove the necessity of extreme caution on the part of the house, how, at a moment like the present, it should be induced to adopt the principle which must change the whole constitution of our army, for the sake of an unnecessary experiment, which must be extremely hazardous to the interests of the service, and pregnant with the greatest danger to the country. He understood the objections against his motions were, that the documents for which he intended to move, were considered as confidential communications which ministers could not disclose without a breach of their duty. The same kind of answer might be opposed to any other motion for documents, the correspondence of an ambassador, the terms of a treaty, or, in short, any other paper parliament might deem necessary for its information. But if his majesty's ministers did not chuse to communicate the information he required in the form he proposed, he should hope it would be laid before the house in some other shape; suppose that of a report, or that they would not object to the examination of those officers at the bar of the house. For surely it was of high importance, when the house was called on to enact a principle so revolting to the established usage of the army, to have for its guidance the opinions of military men who had themselves commanded regiments; who had lived amongst their soldiers; who consequently knew their habits, their sentiments, and feelings, and were therefore competent to advise what was best to be done; instead of taking the opinions of young generals, who had not an experience of similar intimacy with the soldiers; and who, though no doubt, at a future day, they might contribute, by their prowess, to the honour of the service, and the glory of their country, had not yet sufficient experience to render their opinions very decisive on a subject of this delicate and important nature. Though the opinions of many general officers were given on the subject, there were others of great experience, whose opinions, if they were asked, by some accident were not communicated. Among them were, lord Cathcart, lord Hutchinson, and general Prescott. But he hoped, the right hon. gent. would not think of proceeding to the conclusion of his plan, without taking the opinions of all military officers of experience in the kingdom. The right hon. gent. concluded by moving, for "Copies of all Military Opinions in writing as may have been given, in consequence of a requisition from his majesty's government, on the subject of recruiting the army in future, by enlisting for a term of years."

General *Walpole* said, there was a short answer to the argument of the right hon. gent., that the principle of enlisting soldiers, in general and even colonial service, for limited and short periods, was new to the British service. On the contrary, so far from being new, it was neither unusual nor unfrequent. It had been done in the seven-years war; it had been done in the American war, when men were enlisted for a term of only 3 years, and the number of men raised after the adoption of this measure, far exceeded what had been raised prior to it. He could not therefore see what necessity there existed for calling for opinions on a subject, the merits of which had been already decided by experience.

Mr. Secretary *Windham* observed, that the impatience of the right hon. gent. that night for the production of the papers which he moved for, was pretty much of a piece with the eagerness which had prevailed on other points, with a view to anticipate the premature discussion of subjects not before the house. The question to which the motion and the argument of the right hon. gent. that night were directed, was not before the house; and when it should be brought forward, the house should certainly have the full benefit of those opinions to which the right hon. gent. had alluded. He was, however, a little surprised that the right hon. gent., in his speech on the subject, had not been able to anticipate some part of the objections likely to be urged against his motion: and, considering the tenacity of gentlemen on the other side of the house, on the subject of producing papers moved for, when they were in office, the endeavour to press the production of those documents moved for that night, was rather an unfair attempt to place his majesty's ministers in a very awkward and unpleasant situation. The right hon. gent. must certainly admit, that however it might be the wish of ministers to comply with the motion of any member for the production of documents in their possession, in order to the fullest information of the house, yet, that there were often papers which those in office must feel it their duty to keep back; and, though the inference drawn by the right hon. gent. on the present occasion was not a just one, yet it might be, that the papers now to be withheld, were so withheld against the inclination and wishes of his majesty's ministers. For his own part, however, he would candidly own, he made no such sacrifice, having no wish on the subject, one way or the other. But though, for the reasons he should hereafter state, he might deem it necessary to withhold those papers from the right hon. gent., he could assure him, so far from being decisive in favour of his ideas, that, in point of number and authority, they were so much at variance, and the balance so evenly poised, that it was difficult to decide which way the preponderance prevailed; but, upon the whole, he thought it rather in favour of the principle of limited enlistment. There were received the opinions of 14 military officers; 6 were rather in favour of the right hon. gent.'s opinion; 7 decidedly in favour of his own; and one might be held disputable: but he thought the claim for authority lay on his own side. These opinions were applied to three distinct points, as to the probable operation of the principle: 1st, as to its effect on enlistments; 2dly, as to its effect on discipline; and 3dly, as to its effect on colonial service. Now, 3 out of the 6 who favoured the opinion of the right hon. gent. thought the principle would have no injurious effect on the service, and that it certainly must operate to increase recruits: others said, it was impossible but it should produce some advantages, and must certainly give to the army a better order of men: some, again, said it was inexpedient; and others, that it should not be tried in time of war. This, then, being the state of opinions on each side, the house would judge whether his majesty's ministers could have any other possible motive for withholding those documents, than a sense of duty; besides, what advantage could they have in withholding them? or of what use could they be to the house if they were promulgated? for they could only prove that military men, equally respectable in authority, differed in opinion on the subject. It was not a very pleasant thing for ministers to be called on publicly to communicate the confidential opinions of military officers, privately given for the information and guidance of the commander in chief, as to the best probable means of increasing the public force; and though certainly great occasions might occur in which such a delicacy might be overruled by the urgent necessity of the case, yet he did not conceive the present an occasion that called for such a communication: nor would it be the most candid or delicate treatment of those military officers, to publish to parliament and to the country, without their consent, or any information to them of such a purpose, the private and confidential opinions so given. Such a procedure might have a very serious effect upon the future communication between military officers and their commander in chief, on other occasions, and might be productive of very disagreeable consequences, and was certainly not desirable for adoption, when not absolutely necessary. Beside, even if the letters were laid before the house, it would only lead to a comparison of opinions and authorities, extremely unpleasant to gentlemen on both sides; neither would it give the house a single fact or opinion, that it did not know already, and which had not already been urged on both sides of the question. Was it, then, worth while, for the sake of any advantages the house could possibly hope to derive from the production of those papers, to forego such obvious objections as he had stated? The same objections would apply to the project of calling military men to be examined at the bar of the house; every gentleman who might have a favourite general, upon whose talents he built his own reliance, would start up in his place, reject all other authority, and ask why HE was not consulted? The right hon. gent. had made some allusion to young and unexperienced military commanders: he knew not whether he had any particular individual in his eye; but certainly it was not upon the opinion of one, two, or three general officers, that the measure was founded, but upon the broad principle of general consultation, and no preference given to individuals, as if to artisans who had served their apprenticeships to the art and mystery of recruiting. But, if there were no other reason than the difference of opinion which had already been evinced by military men, those reasons were sufficient to justify him in opposing the motion. As to the general principle of the measure, it was not now before the house, and it would be time enough to discuss that another day. He could not avoid remarking something very whimsical in the right hon. gent.'s alluding to a document, as an authority on this occasion, which was, in fact, no authority at all; namely, a detail of arrangements in the Austrian service. Hoping, however, that he had convinced the house of the inutility, as well as the impropriety of a compliance with the motion, he should now conclude by voting against it.

Mr. *Yorke*, in explanation, said, that the only reason why he alluded to the document respecting the Austrian service was, because the usages of continental service had been pleaded by the right hon. gent. in support of his plan.

General *Tarleton* was ready to acknowledge, that the principle of the right hon. gent.'s plan in theory, appeared fascinating; but he was of opinion that it was totally impracticable as to any useful effect: more especially for colonial service. The right hon. gent. had stated, that the opinions of eminent military men were at variance upon the question, and that 6 thought one way, and 7 the other. It was extremely necessary, however, for the house to know what were the nature and form of the questions proposed to these officers. The right hon. gent. admitted, the questions were privately put, and that the answers also were private and confidential; but it was extremely necessary to scan those opinions, and to compare them with the questions in answer to which they were given. For, when the right hon. gent. said that officers disagreed, he wished to know the mode of the questions put, as statesmen sometimes put questions to military men in a way to elicit an answer applicable to their own purposes. The right hon. gent. said, the answers were confidential, and that the promulgation of them to the house would excite jealousies. To this he would reply, then examine those officers at the bar; and if it was imagined by any man they were afraid or unwilling to have their opinions known, he must know little of that emulation which pervaded the breast of every military commander, and which was the life and soul of the army. But, with respect to the questions put to those officers, he shrewdly suspected they did not proceed from the horse-guards, as from the authority of the commander in chief, but from some of those *civil-military* gentlemen who had of late assumed the management of the army. With respect to the argument of delicacy in communicating the opinions received, he thought it superseded by a paramount duty to the house and the occasion. He was willing to admit what had been said by an hon. general early in the debate, that recruits were enlisted towards the close of the American war for 3 years, or during the war; and he had no objection to take as many recruits as could now be raised upon the same principle; but from what he knew of the spirit of this country, he was convinced that not 1000 men extraordinary would be produced in 12 months, by enlistment for limited periods.

Mr. Secretary *Fox* observed, that the questions put to those military officers, and which produced those opinions, were not propounded by his majesty's present ministers, as insinuated by the hon. gent.; they had been put by the commander in chief during the continuance of the last administration, and the balance of opinion reflected great honour on that illustrious personage, as it shewed that he was desirous of obtaining fair and impartial information on the subject.

Lord *Castlereagh* said, he remembered some of those questions had been put during the administration of his right hon. friend; but he did not recollect that the answers communicated to them were given in such a way, generally at least, as to imply any thing secret. Two or three of them might, he said, have been marked on the covers "confidential;" and though he was ready to admit that great delicacy ought to be observed with respect to secret and confidential communications, if it should appear, upon a view of the contents of such communications, that they were of that nature, yet there was no other consideration in the present case which could justify the refusal of their production. Some few of those letters might have been written in a manner which shewed the writers never apprehended they would be made public; but the rest were written in a regular official form, as if intended to meet any purpose to which government should think it necessary to apply them. He should therefore advise, that those letters of a contrary description should be sent back to the officers who wrote them, in order for such correction as they might deem necessary, with a view to prepare them as documents for the public eye, if circumstances should render it necessary; and he also thought it would not be advisable to lay any of those letters before the house, contrary to the wishes of the officers who wrote them. But he thought, however, it was necessary that their opinions should be laid before parliament, as well with a view to the satisfaction of the house, as for the vindication of his majesty's late ministers, by shewing that they had omitted no consideration, nor neglected any part of their duty, with respect to the great purpose of national defence. If they had not consulted a variety of authorities, and seen the various views in which the subject was considered by men of talents and experience, they could not have been enabled to form a decisive judgment upon a topic so extensive and complicated. But from what he had been able to observe, on a comparison of those different opinions upon the two distinct branches of service, local and general, he should deduce the preponderance of opinion quite different from what it had been stated by the right hon. gentleman. The noble lord considered the measure of enlistment proposed, as one of the most delicate and important that ever that house was called upon to decide; and he conjured the house to proceed with the utmost caution, in the novel situation in which his majesty's ministers now attempted to place it, by calling upon it to depart from the long-established principles upon which our army was constituted, and to dictate to, and restrict the crown, in the exercise of that prerogative, which constitutionally belonged to it, in the mode and management of recruiting the regular army.

Lord *Henry Petty* said, he felt a right to regard with some surprise the declaration of the noble lord, that he could see no objection to the production of the papers now moved for, when during 3 years past that this subject had so frequently been a topic of discussion, he had never thought the production of them necessary to enlighten the understanding, or guide the deliberations of parliament. An hon. general (Tarleton) had evinced much anxiety to learn in what form the questions were put, to produce those opinions: whatever it was, was not now very material; and from what had that night fallen in the course of debate, the house would see that the question did not arise out of any measure or proceeding now proposed. But whatever answers might have been produced, and however necessary the house might deem the opinions of military men, towards its own general information upon a topic of this sort, it was not probable it would so far depart from the dignity of its own character, as to be guided implicitly and entirely by such opinions, as to what measures it should ultimately adopt; or that, surrendering or abandoning its own judgment, it would put the enacting question, aye, or no? to any military officer who might be examined at its bar, as to what measure that house might deem proper to enact. The noble lord seemed to think that the house of commons, in legislating regulations for the army, or limiting the duration of enlistments, assumed a power extremely new, and trenched unconstitutionally on the prerogative of the crown. But if ever there was a question on which the house could more properly, or ought more effectually to consider and legislate, it was this. Did the noble lord forget, that the power not only was not new or uncommon for the house of commons to exercise, but that it did actually, and of constitutional right assume and exercise it every year, in the passing of a mutiny bill? by which bill the army, for whatever length of time it might have been enlisted by the crown, could only exist from year to year, and must, *de facto*, be disbanded at the end of each year, if that bill was not renewed; and therefore the house in legislating for the army on this occasion, acted upon a constitutional right, which no man could now question. However necessary it might be thought to consult military opinions upon an arrangement like that proposed by his right hon. friend, he thought that the house, instead of being guided by those documents now called for, would act in a manner more becoming its own dignity, and more effectual for the public service, by exercising the judgment of its own members, taking the opinions, in a parliamentary way, of military men on both sides of the house, and consulting without doors the opinions of military officers in the circle of their acquaintance, and coming prepared, with the best information they could obtain, to discuss the subject fully.

Mr. *Canning*, in reply to what had fallen from the noble lord, said, that his friend, the late chancellor of the exchequer, had indeed, at one time, expressed himself in favour of limited service; but that he had afterwards satisfied his mind, that it was not expedient to bring forward such a measure, and, on that account, none of the opinions that he had caused to be collected were laid before the house. In the present case, he should ask, was it not a proper course, in order to form a sound judgment on the subject, for the house to obtain the best information from persons, whose practical knowledge of the army rendered them better able to judge, than those whose opinions could only be formed on speculative grounds? He conjured the house to pause, before they sanctioned what would amount to a complete revolution in the military system, or adopted a measure from which, if it should fail, there would be no retreat. He could not frame to himself any valid objection to the present motion. All that was asked was, merely the possession of those means of information on which the hon. gentleman had founded his plan. Let the authorities and opinions be as numerous as was consistent with convenience, but let not the house be called on to decide before they have the means of forming a judgment. If it should appear, that the opinions of military men were nearly equally balanced on the subject, he should consider this as a sufficient reason for rejecting this new plan, and remaining as we were. It was dangerous to alter what was already well, and particularly by the adoption of a new project, the consequences of which it was impossible to foresee. It was amusing, he said, to compare the professions of ministers with their practice. The right hon. gent. concluded, by saying, that a story had been related by one of his majesty's ministers (lord H. Petty), on producing the budget, of an old Roman moralist, who had wished to build his house in such a style of architecture, that every person might see into it. Like this man's house, the transactions of the present ministers were to be; but he was inclined to believe, that the architecture of the house was not Roman but Gothic, and that it was only remarkable for its huge windows excluding the light, and for its narrow passages that led to nothing.

Lord *De Blaquiere* said, that every thing was of moment which branched out of this important subject, or he should have thought the present discussion scarce worthy of notice. It was with concern he differed with so many of his friends, but upon a point which had engaged his attention for the best years of his life, he could make a compliment of his understanding (slender as it might be) to no person whatsoever. It had been stated, that with a limited service, the army could not be supported; but he was of opinion, that, without it, they could not obtain an efficient force. The plan, as proposed, was treated as novel and hazardous; but it was no such thing. In 1759, he was employed to raise the 17th light dragoons, and as he saw no law against raising men for a limited time, he raised them for 3 years. In 1762, their time was out, and he then enlisted the whole regiment, which was quartered at Coventry, with the exception of two men, for a bounty of two guineas each. He afterwards enlisted them a third time, when they went to America, and fought like lions. Upon the great principle of the thing, it was his misfortune to differ entirely from what had generally been laid down. Training men to arms, putting them in array, and leading them to battle, was the province of the military man. In all movements of the army, in all projects for annoyance or defence, it was to the generals of the army you ought to defer, but for the purpose of finding men to create that army, was by no means the province of the military officer, it was as he conceived of that resort, which called especially for the interference and assistance of those who were most acquainted with the statistical powers of the country, those who were best acquainted with the means from whence these sources could be derived, it was the province not of the soldier, but the statesman; not of the counsel of war, but the counsel of state; which was that house. It had been said, that to attempt at such an innovation (to enlist men for a limited term) in time of war, might be fatal to the empire. Now, how was that? The farmer's son, or his servant, goes to my right hon. friend, perhaps in a fit of frenzy, or disappointment, and offers to enlist for his life. He is met on the way and told, his services are only desired for 7 years; will he refuse to enlist? and shall this be called a military and a dangerous revolution, a plan which tends only, but much more than any other which has yet been devised, to add strength to your ranks, to cement a nearer friendship and connection between the soldier and his officer, and to make the situation of the former, a state of comparative happiness and comfort. The noble lord concluded by saying, that there were some parts of the bill which he did not admire, particularly the crooked *6d.* at the end of the week.

Sir *James Pulteney* wished, as the subject was almost new to the house, and to the country, to see the opinions of persons conversant with military affairs laid before the house. He had thought much on the subject, and yet he was convinced he should derive much information from their communications. The practice of enlisting for a term of years had indeed been partially introduced into the army, but it had produced so little effect, as not to give much encouragement for its general application. Besides, though the practice was not new, yet there was a great difference between that partial enlisting for time that had already been tried, and a general enlisting for the whole army on the same principle.

Mr. *W. Dundas* was sorry to differ on this occasion from those gentlemen with whom he usually acted; but he could not consider the opinions that had been moved for, as proper for the public inspection. They had not been written for the purpose, or with the design of being communicated to the public. They were of a private and confidential nature; and besides that the publication of them might wound the feelings of individuals, the public service might suffer detriment from such a measure. Much might transpire, that might be calculated to do public mischief. But though he deprecated their being laid before the house in their present form, they might yet perhaps be revised by those who had originally given them in, and in that state, with their consent, submitted to parliament.

Mr. *Yorke* said, he had no objection, with the permission of the house, to withdraw his motion, provided his majesty's ministers would give the house to understand, that they would take the opinion of high military authorities, for the purpose of laying them before the house.

Mr Secretary *Fox* stated, that this was quite another question from the one that had been before under discussion, and required time to consider how far it might be proper to assent to it. There was not a single instance that he was aware of, in which parliament had resorted to military authorities, except with a view to retrospective measures. If they were once to sanction the principle of calling for communications from officers to their commander in chief, it would cause a greater revolution in the army than the measure proposed by his right hon. friend. Much had been said of altering the condition of the soldier; but this would alter, in a very extraordinary way, the character of officers, if their opinions confidentially communicated to their commander in chief, were afterwards found to be called for by the house. He did not know whether it was contrary to the practice of that house to resort to military authorities for information, but he wished to know what had been the usage in former cases. Such a principle would place that house in a situation, different from that of the lords, who had 12 judges to consult; for it would give them 150 generals to refer to for information. He should vote against the motion, and if it should be brought forward in any other shape, he should then be ready to state his opinion with respect to it.

Mr. *Yorke* contended, that when the subject of fortification, as planned by the duke of Richmond, was before the house, general officers had been consulted, and their opinions laid before the house.

Mr. *Fox* replied, that there was a distinction between an opinion given by a board of officers, and that which was communicated individually. The case referred to had been of the former description, and, therefore, was no precedent for the measure now proposed.

Colonel *Craufurd* contended, that the question respecting the fortifications of the country was a purely military one; whereas the question respecting the means of recruiting the army was not so. He thought it rather singular, that the measure of his right hon. friend should be represented as likely to cause a revolution in the state of the army, when the principle upon which it was founded, was that upon which the defence of the country rested. The first act of the administration, of which the hon. gent. who brought forward this motion was a member, was to call out the militia, to the number of 90,000; the next was for raising a force of 50,000 men for the army of reserve. These forces were raised for a limited term, and to them the country was to look for its defence. And yet they were now told that the application of the same principle to the mode of raising the regular force, inferior in number, would cause a revolution in the army.

Mr. *Perceval* contended that the measures of the late administration had been eminently successful in supporting and increasing the military force of the country, and that there was no necessity for having recourse to new and untried experiments on a subject of so much importance. The new measure was of such a nature as called for the opinions of practical and experienced men; but the right hon. secretary seemed so fond of theory, that he wished to exclude practice altogether. It was rather extraordinary, that his right hon. friend, now no more, (Mr. Pitt) had seen reason to alter that inclination which he had felt for the principle of limited service, from the very same cause that had confirmed the right hon. secretary in his original opinion. They had both had recourse to the opinions of military men, and had come to very different conclusions from those opinions. This should induce the house to call for the sentiments of experienced men. If such opinions were withheld from the house, the natural conclusion would be, that they were upon the whole unfavourable to the measure.

Lord *Temple* contended that the case of resorting to the authority of military men, when the duke of Richmond was at the head of the ordnance department in 1786, was not at all similar to the present. The noble lord read an extract from the journals, to shew that the information in that case laid before the house, was only an extract from a report made by a board of officers, appointed by his majesty, who were responsible for their opinions. It was unconstitutional to refer to opinions such as those communicated in the manner by which those that were the object of the present motion were given in, and as there was no precedent for examining officers at the bar of the house, on such subjects, he should object to that course of proceeding also.

Mr. *Rose* thought, that the subject on which a communication had been made to the house, when the duke of Richmond had been at the head of the ordnance department, respecting the best mode of fortifying the dock-yards, was a more delicate question than the present, and argued that the papers ought to be granted.

Mr. *Calcraft* contended, that there could have been no breach of delicacy, in laying before the house the report of officers appointed to draw up their opinions upon a public opinion referred to them for consideration. The opinions under discussion stood upon different grounds, having been confidently communicated to the commander in chief, at his desire, to assist his own judgment. It had been said, that their opinions might be referred back to those who gave them, in order to their being produced in a more perfect form. But were they all in existence? Were they at hand? Or was it convenient to do so? No parliamentary ground had been laid for the motion, and he should therefore oppose it. —The question was then put on the motion, and negatived without a division.

[Repeal of Additional Force Bill.] Mr. Secretary *Windham*, brought up the bill for the repeal of the additional force bill of the 44th of his majesty. On the question that it be read a first time,

General *Tarleton* begged to call the attention of the house to the papers that had been printed since the right hon. gent. had opened his sketch of the measures he had proposed to bring forward. These papers would shew that the bill, now proposed to be repealed, afforded the best means of obtaining a supply for the army, as it was now in full force, and all the difficulties which it had encountered were got over. He hoped the house would interpose its authority to prevent the country from being deprived of its effects. He called on gentlemen to examine these papers, in order to prepare themselves for the debate on the 2d reading of the bill.

Mr. *Hawthorne* concurred with the hon. general in hoping that gentlemen would come prepared to judge of the bill, after having read the papers on the table, which he was convinced would satisfy them that the bill had completely failed.

Mr. *Perceval* recommended to the house, in his turn, an examination of these papers, because he was sure the result would be the reverse of what had been stated by the hon. member who preceded him. The right hon. gent. (Mr. Pitt) who had brought forward the measure, had stated last session, that on the average of the 3 weeks preceding the 6th of March, that year, it had produced nearly 200 per week, and on the average of the 3 months preceding, it would produce 9 or 10,000 in the year. And in the 50 weeks ending the 14th of last March, it had produced above 9000 men. In the last 15 weeks it had produced an average of 258 per week, which would give 13,200 in the year; in the last 10 weeks an average of 277, or 14,600 in the year; and in the last five weeks, an average of 356 per week, being at the rate of above 18,000 in the year; and this under all the discouragements which interfered with its operation. They would also find by the papers, that the bill had not been effectual in the first instance, because it had not been understood. When it had been explained by the inspecting field officers, the result had been to give renewed activity to the bill.

Lord *Temple* thought the house obliged to the learned gent. for the course of reading he recommended; but was of opinion that they should adopt a more enlarged system of education. He begged the house would consider not so much the number of men raised, as the means by which they were raised, and the manner in which the bill had been received in the country.

Colonel *Craufurd* observed, that the hon. gent. opposite seemed to assume that the whole of the men had been raised by the provisions of the bill. He, on the contrary, was persuaded that not a man had been obtained but by means extraneous to the bill, every one of whom would have been produced if no such bill had been in existence: 16 guineas bounty were given for the regular army; 12 were given for this force, and 10 afterwards on entering the line, so that by this means the individual obtained a bounty of 22 guineas.—The bill was then read a first time; and on the question that it be read a second time,

Mr. *Canning* gave notice, that on the day on which this bill should be fixed for a 2d reading, he should move to defer that stage of the bill, till such time as the house should have an opportunity of judging of the measures to be brought forward by the right hon. gent. This bill was for the repeal of a measure, that afforded a resource to a certain extent to provide even for the army. He did not mean to discuss the merits of that measure, but was sure the house would do right not to get rid of it until they should know what was to be substituted for it. The course he should take would be not to get rid of the present bill, but to suspend its progress till they should be able to judge of the value of the measures to be brought forward. The right hon. gent. appeared to have proceeded in an inverted order, by proposing to repeal a measure that afforded a resource to a certain extent, before he was prepared to bring forward a substitute. He should not propose to defer the second reading of the bill beyond the present session, but for such a period as would allow the house an opportunity of judging, whether they were to look to any thing as a substitute for the measure to be repealed, but visions, projects, and fancies.

Mr. Secretary *Fox* left it to the good sense of the house to determine how far the right hon. gent. was qualified, by the solidity of his understanding, to judge whether the measures of his right hon. friend were mere visions, projects, and fancies. If his right hon. friend had simply proposed the repeal of the bill, without proposing any project for the improvement of the military system, he should himself have thought the measure a beneficial one, and he should be ready to discuss the question on that ground. He was satisfied that more men would have been obtained, if this bill had never been in existence, and that not a single man had been raised in consequence of it, that would not have been procured by other means.—The bill was ordered to be read a second time on Tuesday next.

HOUSE OF LORDS.

Friday, April 18.

[Impeachment of Lord Melville.] Mr. Giles, and several other members of the commons, brought up a message, containing a list of witnesses to be produced in the trial of lord Melville, and requesting that their lordships would take measures to summon such witnesses to attend on the 29th inst., and to bring with them such books, papers, and documents, as were marked against their respective names.—On the motion of lord Walsingham, a message was ordered to be sent to the commons, containing a compliance with the above request.—Lord Walsingham also moved, that Mr. Wyatt should attend the house on Monday, to state what progress had been made in the preparations for the trial of lord Melville, and when the fitting up of the court was likely to be finished. Ordered.—It was likewise ordered, that the lord chancellor should send letters to the peers of the blood royal, informing them of the day fixed for the trial of lord Melville, and requesting their attendance.

HOUSE OF COMMONS.

Friday, April 18.

[Minutes.] New writs were ordered to be issued for the county of Wicklow, in the room of the right hon. George Ponsonby, who, since his election, had accepted of the office of lord high chancellor of Ireland; and for the county of Galway, in the room of D. B. Daley, esq. who since his election, had accepted the office of joint muster-master-general of the forces in Ireland.—Mr. Giles moved, that a message be sent to the lords, with a list of the names of the witnesses to be adduced for substantiating the charges against lord Melville, and requesting of the lords to issue their summons to such witnesses for their attendance on the said trial, on Tuesday, the 29th instant. Orered.—A message was afterwards received from the lords, stating that they had received the message from the commons, and had ordered the necessary summonses to be issued for the attendance of the witnesses, and also for bringing with them, and producing the papers, books, and accounts set opposite to their names.

[Ex-Parte Criminal Proceedings Bill.] Mr. Serjeant *Best* rose, agreeably to notice, to move for leave to bring in a bill, for preventing all interlocutory or *ex parte* proceedings in criminal matters, from being published in newspapers. No man, he declared, had a greater disposition to support the liberty of the press than he had: none could more anxiously wish that that liberty should be extended to its utmost possible limits. No man, however, who was a friend to the press, on rational and liberal principles, but would wish to see it kept within some fair and satisfactory bounds. It was well known that not a case occurred in which the evidence, supposing it to be even of the most unsatisfactory and doubtful nature, did not find its way into the newspapers, thereby prejudicing the public mind, and there was too much reason to suppose, often even that of the jury, who, it was to be feared, could not always divest themselves of the prejudices they had imbibed in consequence of those partial statements. The practice alluded to was acknowledged by most of his brethren at the bar to be improper and illegal; and, in evidence that it was esteemed to be such, two editors of papers in the county of Sussex had lately been subjected to 6 months imprisonment for a similar offence. It might be asked, why, in such circumstances, bring in this bill? His answer was: because the law was not sufficiently known. It had been his misfortune to be counsel in two cases in which complaints of this nature had been made to and felt by him; the case of col. Despard, and the more recent one of Patch. In both of these cases it was submitted to him, in what way redress could be procured for the injury under which the party was supposed to labour. His answer was, as it would unquestionably be in any other case of the kind,—It was impossible that any redress could be procured without increasing the odium and suspicion which formerly existed against them. The attorney-general, as the case now stood, could not properly complain, the law on this point not being sufficiently explicit. Neither he, nor the party likely to become the victim of this suspicion, being in a capacity to complain, the question was, Who could? The learned serjeant's object was to give a penalty of 100*l.* to any person who would prosecute in such a case; and, as he knew the public to be so desirous of hearing statements of this kind, and proprietors of newspapers inclined to stand at no expence or trouble which could gratify the public curiosity, he proposed conferring a power of punishing a violation of the act by imprisonment. Not only were proceedings before magistrates, in cases of felony, improper subjects prematurely to meet the public eye, but there were also cases which occurred in the courts in Westminster hall, to which it was his meaning that the present bill should extend, and which he conceived to be equally improper as *ex parte* statements. These were motions for criminal informations. Such applications proceeded merely on affidavits on one side; and the facts, as appearing on the face of them, very frequently on proceeding to trial, turned out quite otherwise. It was, in such cases, highly improper that the observations of the judges on those *ex parte* and fallacious statements, should be read by persons called on, probably, afterwards, to decide on the merits of the case, and who thereby ran every risk of having their sentiments on the subject perverted. His bill, therefore, went to restrain the publishing in newspapers, not only of cases of felony before magistrates, but of criminal informations moved for in Westminster hall, thereby preventing the statement of the one party from meeting the public eye till the case should fairly come before a judge and jury. He accordingly concluded by moving for leave to bring in a bill to prevent the publishing in newspapers of all *ex parte* and interlocutory criminal proceedings.—This motion was seconded by Mr. D. Erskine, and leave was given accordingly.

[Affairs of India.] On the motion of Mr. Paull, two several orders of the house of the 11th and 17th March, 1806, were read; the former, ordering the production of certain papers relative to Bhurtpore; and the latter to Surat: and the papers contained in them, were, after some observations from Mr. Addington and Mr. Grant, ordered to be produced forthwith.

Sir *A. Wellesley* requested that the hon. gent. who was about to bring a charge against the marquis Wellesley, would state the distinct nature of the charge, and of the course of proceeding which he intended to adopt.

Mr. *Paull* replied, that it was his intention on Tuesday, to lay the ground of a charge against marquis Wellesley, for extravagant expenditure of the public money, and for having applied it to purposes of unnecessary splendour, contrary to an act of parliament. With regard to the course of proceeding, he did originally mean to move, that evidence be heard at the bar of the house in the first instance; but he had heard strong objections to this mode by several members, who urged the propriety of laying the charge before the adduction of proof. The hon. gent. was proceeding to read a passage in a printed report of a speech of Mr. Burke's, on the impeachment of Mr. Hastings, in corroboration of this opinion, when he was called to order by lord Temple, who protested against this as irregular.

Mr. *Paull* then proceeded to lay the ground of his motion, and stated, at some length, from papers, letters, and other documents, the circumstances of a treaty entered into with the nabob of Furruckabad, soon after the arrival of the marquis Cornwallis in India, and which was afterwards guaranteed by the East-India Co. The conditions of this treaty were, that the nabob should disband his own native troops, and be in future protected by a British force, for which he was to pay a subsidy of 50,000*l.* annually, out of a revenue not exceeding 140,000*l.*; and which treaty was faithfully observed by the nabob, up to the year 1801. After disbanding his own troops, this prince was, of course, unable to resist any encroachments made upon his territories, except by the aid of the British force, which was to have protected him from all his enemies. The hon. gent. then went on to state, that after the arrival of lord Wellesley, he took, for the British government, contrary to the terms of the treaty, the tribute, which was before paid to the nabob by the Rohillas. This, he was authorized to say, was contrary to the wishes of 23 out of the 24 directors of the East-India Co.; though when he was in India, he saw a dispatch from the secret committee approving of it. After this, some additional troops were sent to repel any attacks made upon the nabob, when his subsidy was increased to 50 lacks of rupees, which was in violation of the express stipulations of the treaty. It was therefore with surprize, that he heard a noble lord (Castlereagh) move, last session, for a paper containing an approbation of these proceedings, by the secret committee. Two of the persons made to sign this approbation, namely, Mr. Devaynes and Mr. Robarts, reprobated this conduct; as did also all the members of the court of directors, with the exception of one hon. baronet (sir T. Metcalfe). He then read several papers, to shew the mal-administration of the noble marquis in India, which, he said, had produced a loss to the company, of 7 million sterling. He then further said, that by the authority of the marquis, the nabob was sent for to Lucknow, for the purpose of signing an agreement, and after his arrival, his seal was not to be found at his dwelling; and he would engage to prove, that the same seal was afterwards found in the house of the British government, at Lucknow. He said, he did not stand forth as the sole accuser of the marquis Wellesley, and read an extract from a speech of Mr. Francis, upon India subjects, written and published by that hon. gent. himself, in which he accused the Bengal government of being the aggressors in the Mahratta war. With this confirmation in his favour, he would shortly conclude with saying, that the conduct of the noble marquis was commenced in injustice, and terminated in oppression. He then moved for a Copy of the Treaty between the nabob of Furruckabad, and the East-India Co., and guaranteed by the marquis Cornwallis, in 1787.

Lord *Castlereagh* having been alluded to in the course of the speech, thought it proper to set the hon. gent. right in a mistake which seemed a strong feature in his argument. The hon. gent. expressed his surprise, that he should have moved for a dispatch from the secret committee, approving of the conduct of the noble marquis; but if the hon. gent. thought to impress the house with the opinion, that that was the dispatch of the gentlemen, whose names he mentioned, he must suppose the house to be more ignorant of the course of these proceedings, than he would find it to be. The house was too well informed not to know, that the dispatch was that of the commissioners of the board of controul, and not of those who signed it, who could only act as the official and regular agents on the occasion. As to all the other subjects descanted on, they would remain for future consideration; and, he only rose, for the purpose of rectifying the mistake of the hon. gent., as to that one particular fact.

Mr. *Paull* explained, that what he stated to have excited his surprise, was, that the noble lord should call for such a paper, after he was fully apprised that the court of directors had protested against it.

Lord *Castlereagh* rejoined, in explanation, that what he called for, was the dispatch of those to whom responsibility attached, which was not the case with the gentlemen who signed it.

Mr. *Hiley Addington* said, that the hon. gent. might have saved himself much trouble, and the house a good deal of time, had he merely moved for the papers in question, without entering into such a long preliminary detail on the subject. He had not the slightest wish to oppose the production of the papers; neither should he say one word on the subject of the charges that had been advanced. He should only request the house to keep themselves free from every bias that might be produced by what had been said, and to sacrifice some time in investigating the documents now moved for.

Mr. *Whitshed Keene* thought, that in the management of an immense empire like India, it was possible that a governor-general might, for the salvation of the country, be obliged, in some instance or another, to violate the strict letter of the law, and yet deserve the thanks of the country. He had himself been 38 years a member of parliament; he had heard almost every thing that had been said in that house upon the affairs of India, and had read all the documents that had been printed; and he thought that no member was qualified to vote a censure on the governor-general for any particular transaction, without having studied very much in detail the whole system of the Indian administration, and the various treaties which were contracted with the native powers, and also the manner in which those treaties were observed by the native powers.

Mr. *Francis* said, that the particular appeal made to him, justified him in saying a few words. As to the powers of the commissioners of controul, and the court of directors, he had, when the bill was brought into the house in 1784, by Mr. Dundas, particularly reprobated the absurdity and inconsistency which, even according to the present statement of the noble lord (Castlereagh) it clearly involved. He was not talking of the law as it was now, but only mentioning what opinion he had given, when it was a bill. What did it enact? Why, that the ostensible power should be first in 24 directors, next in three persons chosen from these as a secret committee, but that in fact it should be in neither. A controul might be necessary, and it might perhaps be proper sometimes to supersede the orders of the directors, but the absurdity was, that the secret committee, after giving one dispatch as that which they approved, might afterwards be compelled to sign one diametrically the reverse, and one which they abhorred. As to their protests, these were not known, and their authority was thus given to measures, of which, in the most positive manner, they disapproved. Hence the ruinous situation to which our India possessions were reduced, and the degradation of the court of directors. Now, as to the appeal to him, if he wished to be silent he might do as the hon. gent. did to whom he formerly alluded, (Mr. Sheridan,) that is, stay away while his duty required he should be present.—[The speaker reminded the hon. gent., that it was irregular to bring charges against a member who was absent.]—Mr. Francis, in continuation, observed, that he charged him with nothing but staying away, he believed his opinions remained unaltered, and he would surely come sometime to support them. When the hon. gent. (Mr. Paull) consulted him about this business, he had rather discouraged him from going on with it. It would do him no good—but if he was satisfied with that reward which every honest mind must feel in doing his duty, he would have that and no other. He would experience desertion—perhaps he could not say desertion, as he had not been encouraged, but he would not be supported. As to his own speech, it would not become him to say any thing in praise of it, but the more he thought on the subject, the more he believed what he there stated to be true, and he confessed that it contained charges of a very high nature. His right hon. friend (Mr. Fox) had approved of it, and had declared it to be unanswerable. In that speech he never mentioned a wish to impeach lord Wellesley—but if that speech were unanswerable, he certainly ought to be impeached. It might be asked, why he did not proceed upon these charges?—that was not his object. His design was to have lord Wellesley recalled and another system adopted, but he at the same time thought that there were sufficient grounds of impeachment against that nobleman. His object was in some measure answered, when lord Cornwallis was sent to India; and as to the impeachment of lord Wellesley, he did not proceed with that, partly because he was not equal to such a task, and partly because he had little hopes of having efficient support.

Mr. Secretary *Fox* begged leave to trouble the house with a few words, in answer to what had fallen from his hon. friend. His hon. friend near him seemed to hint, that he (Mr. Fox) and others who agreed with him, had, in opposition to their former conduct, wished to disparage this proceeding, and to throw obstacles in the way. There was not the smallest foundation for such suspicions, nor were there any grounds whatever for arraigning his conduct on that head. As to the speech of his hon. friend (Mr. Francis), he had undoubtedly said, that it was unanswerable; not meaning to make this broad assertion absolutely, but because, in fact, no attempt had ever been made to answer it. He approved of it certainly, altogether, and partly, perhaps, for this reason among others, that there his hon. friend had professed to drop all idea of proceeding to an impeachment. Yet it was rather hard that he should think it incumbent on those who thought that there was a great deal of blame somewhere, and that a bad system had been pursued, to support an impeachment or any motion for criminal proceedings. He totally disclaimed any such idea. It might happen that a person might disapprove a bad system without being committed to support a criminal charge. When a bad system of government prevailed, the best mode of remedying this was not, in general, by impeaching an individual. The object was, to remove the person who carried on such a system, and to take care that none such should be acted upon in future; and, this being obtained, it might often be inexpedient to carry the matter any farther. But, at the same time, there might be particular acts, of so enormous a kind as to call for impeachment. This he did not mean to deny. But he and his hon. friend had a great deal of experience on this subject. This was certainly not a proper time for enquiry. He (Mr. Fox) acted as he found it necessary to do, with respect to systems in Europe. About these systems there might be, and, no doubt, there often was, a great deal of error in judgment. He might disapprove of, and strongly oppose them; and, if he could accomplish his object, which was the destruction of these systems, he would certainly not always think it necessary to resort to enquiries. That was his opinion generally, though, undoubtedly, there might be exceptions to the general rule. If this rule was proper with respect to all executive governments, it was particularly so with regard to India. Now, that he ought to bring a regular charge in all instances where he disapproved of a particular system of conduct, was a conclusion to which he could by no means assent. Impeachment was a bad mode of proceeding, except in particular cases; and certainly it was not advisable to adopt it with regard to a governor-general of India merely on account of his system. One hon. gent. had said, that all these papers ought to be examined by every member of this house, before he voted on this question. This, perhaps, might, when they were very voluminous, be, in some instances, incompatible with other duties; but he believed that in cases where the necessity was not great, it was possible that such charges might be brought forward rather with a view to the popularity which they might acquire, than from any hopes of ultimate success. He had approved highly of his hon. friend's speech, and the more so as he had disclaimed any idea of a charge of impeachment. He did not say that impeachment ought in all cases to be abandoned; but he really was of opinion, that if it were often to be resorted to, it would, from its difficulties, be soon given up in despair, and impunity might thus be procured for almost all sorts of crimes and misdemeanours committed by a governor-general of India. As to desertion, he certainly could not be said to desert a person whom he had never encouraged; but since the trial of Mr. Hastings, they might say, if they pleased, that he shrunk from all India impeachments, or flew from them, or any worse term might be used, if a worse could be found. To this he would make no answer. But so far was he from deserving the insinuation which had been thrown out against him, of having altered his opinion with his situation, that the only reason why he was present at this debate at all, was, the very circumstance of that change. He scarcely ever attended these discussions before, since Mr. Hastings's impeachment. He had, indeed, attended at the delivery of the speech of his hon. friend, but that was merely a matter of courtesy to him. It was now his duty, however, to attend to all these discussions. It was, indeed, the duty of every member of parliament, but in a peculiar manner that of a person in his situation, and if he did not do it, his conduct might be liable to the worst construction. He did attend, therefore, and delivered his opinion with more freedom than he would otherwise have done, for then he would probably have said nothing.—The hon. gent. (Mr. Paull) had given notice of a charge which he intended to bring forward on Tuesday. He would, in the interval, acquaint himself with the subject, as far as lay in his power, and give his opinion of what was the most proper mode of proceeding. The hon. gent. had read a great deal from the debates that took place relative to the trial of Mr. Hastings, and was in his opinion very properly called to order by his noble friend (Temple). He had looked very little into these debates, but what he had seen of them was exceedingly inaccurate, and often the very reverse of what had been said. The mode of proceeding, by bringing charge after charge, had been, upon the whole, the mode which Mr. Burke, himself, and others, thought best on the impeachment of Mr. Hastings. If that mode was the best, in the present instance it might be adopted. But, while he spoke of the most proper mode, it must not be therefore understood that he agreed in the propriety of impeachment at all. As to his opinions, he did not see why he was to be so much distrusted because he did not on every occasion volunteer his notions. It was very difficult to proceed properly in a criminal case before the house, as no honest man would wish in such an affair to use any other influence except what might be derived from his argument; and, if this was the case, was it not better to wait till the whole matter was before the house, than to sound a trumpet in every stage of the business? This certainly would not be his conduct, nor could it be the wish of any one who was anxious only that substantial justice should be done.

Mr. *Paull* said, he did not undertake this cause with a view to popularity, but merely from a sense of duty. It was his intention to follow the precedents he had before him with respect to Mr. Hastings. He meant, on Tuesday, to produce his charge, and move to lay it on the table; and, that a future day should be then fixed, to take it into consideration. Mr. Burke had laid his first charge against Mr. Hastings on the table, on the 5th of April, and it was not taken into consideration till the 8th of June. The hon. gent. expressed his thanks to the right hon. secretary, for the candid and liberal manner in which he had conducted himself.

Mr. *H. Addington* desired to know, whether it was the intention of the hon gent. to move for any documents to support his charge, when it should be laid on the table?

Mr. *Paull* replied, that if the house should agree to his motion for laying the charge on the table, he should move to have it taken into consideration on a future day. He proposed to move for documents in support of it, and evidence to be taken at the bar, but not till the house should first decide whether they contained impeachable matter. On Friday, he proposed to bring forward his two next charges relative to disobedience of orders, and the assumption of rights contrary to law, which he should follow up by moving, that they be taken into consideration on a subsequent day.

Mr. *Grant* observed, that in the general the opinion of the court of directors prevailed. He thought that the system of checks was the best system for India affairs. The board of controul was a check on the court of directors, and they on the other hand were a check on the board of controul. When differences on grave subjects prevailed, it was material that the opinions of all the parties should be brought under consideration. If the house entertained the question, it should sift it to the bottom, with a view to obtain substantial justice to all the parties.

Mr. *Johnstone* said, it appeared clearly that the opinions of the directors were totally overruled by the board of controul, and the treaties with the Vizier, with Oude, and the Nizam, were convincing proofs of it. His sentiments, with regard to the affairs of India, were still the same as they had ever been; but instead of pressing questions regarding impeachments, he thought the house would do better to adopt resolutions, which might in future prevent transactions, such as had passed within the last 3 years.

Mr. *W. Smith* having understood, that he had had the misfortune of falling under the censure of his hon. friend (Mr. Francis, see p. 800), on a former day for a temporary absence, and having heard the same censure repeated against a right hon. gent. (Mr. Sheridan) this day, rose to state, for the consolation of his hon. friend and the house, that his absence had in part been occasioned, in the former instance, by his waiting on that hon. friend, to ascertain the part he meant to take on the occasion, and that his right hon. friend remained of his former opinion, and would attend in his place whenever the subject should be brought forward.—The several motions were then agreed to.

[SLAVE IMPORTATION BILL.] On the motion for the second reading of this bill,

General *Gascoyne*, disapproved of the principle of the bill altogether, and asked whether counsel might not be heard against it at a future stage; and was informed by the speaker that they might.

Sir *W. Young* approved of the principle of the bill, which he considered as a boon to the West-India merchants, and stated that he had been at a numerous meeting of London merchants, where a majority had agreed with him.

General *Gascoyne* again rose, and was called to order by Mr. Wilberforce; but being informed by the speaker that he was in order, he proceeded to state that, in his opinion, this bill was a scheme indirectly to abolish the slave trade, which could not be done in an open and direct manner.

Sir *W. Curtis* thought the slave trade an evil that could not be remedied, but he never purchased a slave himself. He heard nothing of the meeting of merchants adverted to by the hon. baronet.

Mr. *Brooke* approved the principle of the bill, which he considered as beneficial to the West-India merchants.—The bill was then read a 2d time.

HOUSE OF LORDS.

Monday, April 21.

[MINUTES.] The royal assent was given by commission to the 20 Millions loan bill, the Irish Treasury bills bill, the Irish Militia Service bill, the Cape of Good Hope Trade bill, and the British Fishery bills.—The earl of Kinnoul was sworn, and took his seat, as baron Hay, on his lordship's attaining his majority.

[KING'S MESSAGE RESPECTING PRUSSIA.] Lord Grenville presented the following message from his majesty:

"*G. R.* His majesty thinks it proper to acquaint the house of lords, that he has found himself under the necessity of withdrawing his ministers from the court of Berlin, and of adopting provisionally measures of just retaliation against the commerce and navigation of Prussia. His maj. deeply regrets this extension and aggravation of calamities, already so severely felt by the nations of the continent, whose independence and prosperity he has never ceased to consider as intimately connected with those of his own people. But measures of direct hostility, deliberately adopted against him, have left him no alternative.—In a moment of confidential intercourse, without even the pretence of any cause of complaint, forcible possession has been taken by Prussia of his maj.'s electoral dominions. Deeply as this event affected the interests of this kingdom, his maj. chose, nevertheless, to forbear, on this painful occasion, all recourse to the tried and affectionate attachment of his British subjects. He remonstrated, by amicable negociation, against the injury he had sustained, and rested his claim for reparation on the moderation of his conduct, on the justice of his representation, and on the common interest which Prussia herself must ultimately feel, to resist a system destructive of the security of all legitimate possession. But when, instead of receiving assurances conformable to this just expectation, his maj. was informed that the determination had been taken of excluding, by force, the vessels and the commodities of this kingdom from ports and countries under the lawful dominion, or forcible controul of Prussia; his maj. could no longer delay to act without neglecting the first duty which he owes to his people. The dignity of his crown, and the interests of his subjects, equally forbid his acquiescing in this open and unprovoked aggression. He has no doubt of the full support of his parliament, in vindicating the honour of the British flag, and the freedom of the British navigation; and he will look with anxious expectation to that moment, when a more dignified and enlightened policy, on the part of Prussia, shall remove every impediment to the renewal of peace and friendship with a power with whom his maj. has no other cause of difference than that now created by these hostile acts."

The message having been read, lord

Grenville moved, that it should be taken into consideration on Wednesday, and that the lords be summoned for that day. Ordered.—His lordship presented, by his majesty's command, certain papers respecting Prussia.

[ADMINISTRATION OF JUSTICE IN SCOTLAND.] Lord *Grenville* said, he rose to give notice on a subject of considerable importance to a great number of his maj.'s subjects, and also to that house, with respect to a part of its proceedings. He alluded to the Administration of Justice in Scotland, with respect to the forms of which, he believed, it was the opinion of the bar in that country, and the general opinion, that an alteration might be made with great advantage to all those who were suitors in the courts. Far was it from him to say that the system of legal proceedings in Scotland was not one wisely established, but, in the lapse of time, it had become, in some of its parts, inferior to the system established in England, which had stood the test of so many ages, and which still retained all its original beauty and purity. Far was it from him to say, that the laws of Scotland were not administered with the greatest purity. There was, however, one consideration of the greatest importance, namely, that justice ought to be speedily administered, otherwise, in many cases, it ceased to be justice. Their lordships had taken upon themselves to be a court of dernier resort for all parts of the united kingdom, to the execution of which important business much of their time had been devoted. Notwithstanding, however, all their diligence and attention, the number of appeals from Scotland now on the table of the house, which were yet undecided, shewed that they had arrived at that point when they must either declare that they could not do justice to the parties appealing to their decision, or take some measure to reduce the number of appeals from that country. It was doubtless of the greatest importance in every case, that the dispatch of business should keep pace with the business which actually arose. He was afraid he could not promise any measure upon this subject in the course of the present session; and, though some might complain of this delay, it was nevertheless of the greatest importance that such a measure should be carefully digested, and receive every advantage which could be derived from the suggestions of those who had a thorough knowledge of the Scottish law. The mode he intended to adopt was to propose certain resolutions, upon which, in the ensuing session, a bill might be founded; but which, in the mean time, might go forth to the public, and receive all that consideration which their importance deserved, and particularly from the Scottish bar, from whose talents many advantageous suggestions might be expected. His lordship concluded by giving notice, that he should bring forward some motion on the subject on Monday se'nnight, although he would not pledge himself as to the particular day, and moved that the lords be summoned for that day.

The Duke of *Montrose* expressed in the strongest terms the infinite satisfaction he felt, in finding that a measure of such consequence was taken up by a noble lord for whom he entertained such high esteem, and whose talents were so adequate to the undertaking and success of measures of such size and consequence; and he was confident he might safely venture to assert, that the noble lord would have the sincere and unanimous thanks of the whole country, for whose benefit he had so generously undertaken it.

[AMERICAN INTERCOURSE BILL.] Lord *Holland* said, he had to apologise, that the bill upon this subject was not yet in perfect readiness to be laid before their lordships; but its main object was to enable his majesty in council to grant certain powers to the governors of those islands to regulate that intercourse, as far as it regarded the importation, &c. of provisions and lumber, from the ports of America into those of our West-India colonies. The bill would shortly be laid before their lordships, and he should propose that it be read a 2d time on Thursday next.

The Duke of *Montrose* observed, that he was one of those who certainly thought the measure of a much more serious nature than it seemed to be considered by those who introduced it. They did not seem to be aware of the great amount of the tonnage, and of the great number of seamen who were employed in that trade. He was persuaded that the shipping amounted to no less than 101,090 tons, and the seamen to 6500. To prove this assertion, the noble lord concluded with moving for certain papers, by which, he said, all he had advanced would be fully confirmed.

[IMPEACHMENT OF LORD MELVILLE.] Mr. Wyatt, surveyor-general of his majesty's works, appeared at the bar, and, in answer to the questions put to him by the lord chancellor, respecting the time when the preparations in Westminster-hall, for the court of parliament, sitting on the trial of lord Melville, would be completed; informed their lordships, that the same would be completely finished on Saturday next.—Mr. Whitbread presented a list of the names of certain additional witnesses who were deemed necessary by the commons to be examined on the trial of lord Melville, and requested their lordships would issue summonses for their attendance, on Tuesday, the 29th inst.—After the messengers had withdrawn, their lordships ordered that a message be sent to the commons, acquainting them, that their lordships would take the necessary steps to provide for the attendance of the witnesses mentioned.

Lord *Walsingham* read the report of the committee, to whom it was referred to search for precedents respecting their lordships' modes of proceeding on former cases of impeachment: which report was ordered to be taken into consideration on Wednesday.

Lord *Auckland* moved, that the house should proceed on the trial of lord Melville *de die in diem*, except from any special considerations they should deem it expedient to adjourn to the day after the morrow of the day on which the motion should be made.

The Earl of *Radnor* moved that the further consideration of this motion should also be postponed till Wednesday.—The earl of Rosslyn and the lord chancellor opposed this motion, on the ground of its being unnecessary, it being already the general and decided opinion of the house, that they ought to proceed on the trial *de die in diem.* The motion was then put and negatived.—On putting the original motion,

The Earl of *Radnor* opposed it, conceiving that 4 days in the week were as many as the house could devote to the trial, consistently with that attention which they must necessarily pay to other business. He declined, however, proposing any alteration in the motion.—The motion was then put and carried.

HOUSE OF COMMONS.

Monday, April 21.

[MINUTES.] Mr. Whitbread moved, that a message be sent to the lords, with a list of the witnesses whom he proposed to have summoned by their lordships to attend the trial of lord Melville. Ordered.—A message from the lords shortly after informed the house, that their lordships would give orders for summoning the witnesses to attend the trial of lord Melville, as desired.—Mr. Whitbread then gave notice that he should, to-morrow, move that that part of the journals of the house of last session which contained the order of the house to the attorney-general, to suspend the proceedings in the civil suit against lord Melville be read, for the purpose of moving, that the attorney-general be ordered still further to suspend the proceedings therein.—Admiral Markham, with a view to the charge to be preferred against earl St. Vincent, by an hon. member opposite, thought it necessary to call for some further papers, which, as they were already made out, would not create any delay. After a few words from Mr. Jeffery, who wished to give every accommodation in his power, that would not preclude him from bringing forward his charge in the present session, and from lord Howick, the several papers were ordered.—Mr. Fox appeared at the bar, with a Message from his majesty, which was ordered to be brought up, and was read by the speaker as usual. It was the same as that presented to the house of lords. See p. 806.—On the motion of Mr. Fox, this message was ordered to be taken into consideration the next day. He then moved for the production of several papers on this subject, which were afterwards laid before the house.

[AFFAIRS OF INDIA.] Lord *Archibald Hamilton* rose, in consequence of the notice which he had previously given, of a motion for a paper containing the opinion of the court of directors relative to the transactions in India, during the administration of lord Wellesley. Before he proceeded to make his motion, he hoped the house would allow him to preface it by a few preliminary observations. He first apologised for himself in taking up this business, but he was placed in this situation by the hon. gent. opposite (Mr. Huddlestone) having abandoned his original intention of moving for this paper. He disclaimed all idea of moving for it with a view to its being made a ground of charge or a point of evidence against lord Wellesley. Much as he disapproved of the system upon which that noble lord acted, he had no intention of this kind. There would be sufficient opportunity afterwards for his declaring his opinion on that subject. His object in moving for this paper then was, to make it a ground of charge against the late board of controul, and the noble lord (Castlereagh) who presided there. If it appeared afterwards that the proceedings of that board had been just and proper, nobody could be more ready to acknowledge his error than he would be; but, unless he was very much mistaken indeed, it would turn out that there were good grounds of charge against them. The noble lord had, year after year, gone on stating that the affairs of India were in a condition of the highest prosperity. The directors now said that they were on the brink of ruin. One or other must be mistaken, and his object was, to ascertain which statement was correct, and to whom the evils that had fallen upon India were to be attributed, supposing that the opinion of the directors was well founded. This he considered as a very proper subject of deliberation for the house. The dispatch of the court of directors to the government of Bengal, disapproving of the system that had been pursued, had been submitted to the late board of controul, and was withheld by them. The directors were at the same time obliged to sign a dispatch contradicting their real sentiments, and approving those very measures which they considered as pernicious. Was the noble lord prepared to own himself the author of the awkward and unpleasant situation in which the directors were thus placed? What share of such a measure would he take upon himself, and what would he ascribe to others? He called the attention of the house to the state of the unfortunate directors, who had a dispatch forced upon them, contradictory to what was their real opinion, and this a dispatch which was afterwards laid before the house as a statement of their real sentiments. This was the effect of that system for the government of India which had been so much opposed by his right hon. friend (Mr. Fox), and which, had his bill been adopted, would never have taken place. The court of directors were without power, and the board of controul without responsibility. He would ask any gent. what would be his feelings, were he called upon in his private capacity to approve of what was contrary to his real sentiments? It was not for him to criticise the conduct of the directors, or to examine how far they were culpable in their compliance. Probably it was not in their power to have acted otherwise than they did. He confessed he had reason, on this occasion, to fear the opposition of some of those friends with whom he usually acted; but he was not conscious of having expressed any opinion contrary to those which they had been in the habit of maintaining. He should, at least, have the satisfaction of thinking that the sentiments he had delivered respecting the inefficacy and absurdity of the present system for the government of India were similar to theirs. The noble lord then replied to several objections which he thought might be made to his motion, and concluded with moving, "That there be laid before the house a Dispatch approved by the court of directors, dated 3d April, 1805, to the governor general in council; the answer from the Board of controul refusing to transmit the same; and a Reply from the court of directors to that answer."

Mr. *Hudleston*.—Sir, as I had given repeated notice of intending to move for papers which would have included an extract from the most important of those now moved for by the noble lord, I should have felt it necessary to offer a few words on the present occasion, even if I had not been particularly alluded to by the noble lord, lest my silence now, should be as much misconstrued, as I find the motive has been which induced me to relinquish my intention of bringing forward those motions. The noble lord, by way of distinguishing his own object from mine, has stated, that his is not to criminate lord Wellesley. Whenever an investigation may take place on the important subject of the state of our affairs in India, I trust I shall not shrink from the discussion. But, in respect to my motive for wishing the papers in question to be before the house, the facts are briefly and simply these. A discussion in this house near the close of the last session, had given an impression, both here and without doors, that the executive body of the East-India Co. had approved of certain treaties concluded at Oude, and transactions connected with them. A paper certainly very favourable to that idea, had been moved for, and ordered to be laid before the house, in which approbation of those transactions is expressed under the hands of the secret committee of the court of directors. Now, sir, knowing that the court of directors had not even been made acquainted with those transactions until two years after the date of that letter, and that, on their becoming acquainted with them, they had recorded their disapprobation of them; I felt anxious to remove the impression which the production of that letter had occasioned. This was my sole object, and I therefore determined to move for certain papers, which if produced, I knew would accomplish it, and which had reference to no other subject, than to the affairs of Oude, and Furruckabad.—But, from circumstances which must be fresh in the recollection of the house, and to which it became me to yield every attention, I was induced to postpone my motions three several times: until at length the document, an extract from which was the most material of the papers I had intended to move for, was demanded by the East-India board, and after some days laid before them. The production of it here, therefore, was no longer necessary for the only object I had in view. I consequently determined to relinquish my intention to move for the papers; and I did so the more readily, from the consideration that persons to whose judgments I feel, and ought to feel deference, saw objections to the production of that paper; and also because, although the paper in question expresses the general sentiments of the court of directors, I might, in moving for it, appear to commit that body with regard to the necessity of its production here, which I had no authority to do.—But these considerations without the more material one of the paper having been produced elsewhere, would have given place to the anxiety I felt, to exempt even the limited share and space which I occupy in the court of directors, from that proportion of the merit or demerit which may be thought hereafter to attach to the transactions in question. I trust I have shewn, that, there was no inconsistency in my relinquishing my intention of moving for those papers, and now that the paper in question, and others, are moved for by the noble lord, I certainly shall vote for their production, though I cannot vote for it exactly on the grounds stated by the noble lord; for I am unable to perceive, how the production of the paper in question, can be considered as furnishing ground of accusation against any party, against the board of commissioners, any more than against the court of directors. For, surely, if the proceedings at Oude, and any other proceedings animadverted upon in that document, have been just and right, the court of directors will be open to censure for the disapprobation expressed of them on that account, and the board of commissioners will be entitled to commendation for having rejected it. To consider, therefore, the paper as furnishing a ground of accusation against either party, seems to me, would be like prejudging that question. But I shall support the motion on what appears to me to be broader ground—that every paper on Indian affairs, that has been called for since the attention of this house and the public has been drawn to the late transactions in India, has been granted indiscriminately. And in respect to the Oude transactions, there is this additional argument for the production at least of so much of the document in question, as relates to them; namely, that the house has already ordered the production, of a paper, expressing the approbation entertained of those transactions by the board of India commissioners. That paper of course has made its own impression on the house. The paper in question on the other hand, expresses the disapprobation entertained by the court of directors of the same transactions: and as the former has been granted, there seems an obvious principle in favour of not withholding the other; or at least of so much of it as relates to those affairs which are before the house; namely, those of Oude and Furruckabad. At the same time I am aware, that the production of that particular paper is liable to the objection, that it is a proposed letter or dispatch only, which was not transmitted, and of course no opportunity of answering it given to the government, to which it was meant to be addressed. This objection I should feel to be decisive against the production of the paper now, if the late governor-general were still absent in India; but, as he is on the spot, it is open to him to have a copy of the paper to answer it, and to have a copy of his answer also moved for, and laid before this house: it may be said also, that in effect the paper has been answered in the reasons which the board of commissioners gave for rejecting it. But a stronger answer to the objection may be found in the fact, that a paper under the same circumstances has been moved for, and ordered without objection or discussion. The case was this: the court of directors imagined that the act of the 33d of the king, in the whole of the spirit of it, but more literally and expressly in the 57th clause, rendered it illegal for a governor, to appoint to any civil office under the crown, any person not a covenanted servant of the company, and that even of those servants, no one who had not been 12 years actually resident in India, could be appointed to any place of which the emoluments exceeded 4,000*l.* per annum. Proceeding on this idea, the court of directors framed a dispatch, censuring and annulling as illegal, the appointment of a gentleman not in the service, to be deputy governor of Oude. The board of controul rejected the dispatch, and wrote a letter to the court of directors, justifying the appointment as legal and proper. Copies both of the rejected dispatch, and of the answer from the board of commissioners, were moved for in this house, and I think by a member of the late board of commissioners, and were ordered without any objection. I am not aware of any objection to the production of the paper now moved for, that was not applicable to the production of the other. On these grounds, sir, I think it right to support the present motion for papers, as I have done every former motion made for India papers when I have been present in the house, in order that every information that can be derived from papers relating to transactions, in the consequences of which the public is deeply interested, may be fully and impartially before the house.

Mr. Secretary *Fox* declared that it was with regret he heard that such a motion as the present was to be made: and more especially that it was to be made by two persons for whom he had a great respect (Mr. Huddlestone and Mr. R. Thornton). But the pain which he felt was not a little increased when he found it was to be made by the noble lord near him (Hamilton) for whom he had the highest esteem, whose personal regard he would wish to conciliate, and with whom he would always desire to cultivate a political connection; for to him that noble lord's ideas respecting the constitution, and his sentiments on political subjects in general, appeared to rest on principles so just, and well founded, that it gave him the greatest concern to differ from him, even in the application of those principles to any particular point. But he thought that the present question ought to be considered with a view to the judicial enquiry about to come before the house, and therefore our attention ought to be directed to justice alone. Now, viewing the matter in this light, he could not reconcile it to his mind that the papers called for by his noble friend were not manifestly and grossly unjust. His noble friend seemed to admit that it would be improper to produce them as a ground of crimination against lord Wellesley, and he was glad that he coincided with him even thus far; but let us consider whether they would not operate against him in an unjust and oppressive manner. First, he might contend that these papers were not strictly official: but suppose they were, was the character of a man, under accusation, to be weighed down even by official papers? Look at the common judicial proceedings of the country, with which every person must be more or less acquainted; would it be endured that the general opinion should be stated as a ground of crimination against a person on trial? Nay, would not the publication of any thing like this against his character be a reason for putting off the trial, instead of being admitted as evidence before a jury? Now to apply this to the present case; whose opinions were they calling for? those of the court of directors. But they, by law, could only communicate their opinions to the board of controul; though, certainly, he did not mean to say that this was a good law. This, however, was at present the only way in which they could give their opinion; and when they were obliged to sign a thing which they strongly disapproved, their only remedy was that which was open to all in such a situation, namely, an application to parliament. But, besides, what were these directors? They were the persons supposed to be most conversant with the affairs of India; and, both on account of their knowledge of the subject, and their respectability as a body, justly considered as a high authority. But the higher their authority, so much the worse would it be to produce these papers when a man was under accusation. This was so clear, on every well founded principle of jurisprudence, that he was amazed that it could escape the attention of any person. Now, in this case, there were some particular circumstances. The first was, the anomalous situation of the directors. They were bound to execute the commands of others. In every other department, when any thing was proposed to a person which appeared to him of the most mischievous tendency, he might refuse to sign it; but they were by law bound to sign, whether they approved or not, and their condition was more anomalous than that of any class of men in Europe, even under the most despotic government. The only remedy they had, when they found that the board of controul insisted upon measures, which to them appeared of the most dangerous tendency, was to come and state their case to the house. Last session, a motion was made for a letter of the secret committee, which could properly be considered only as a letter of the board of controul. It was fairly moved for, because an individual, when his conduct was called in question, might justly enough call for such documents as shewed the subsequent approbation of his superiors,—he said of his superiors, because though you (the directors) remonstrated with the board of controul, you did not, it seems, think the matter of sufficient importance to come to the house and state your case, which, if you were aggrieved, was a plain and obvious course for you to pursue. Another point was, that the directors probably wished to defend themselves. This was not the stage for that. When the affair of the marquis Wellesley was decided upon, and when the papers now called for could have no influence on his case, then they might fairly be moved for. But it would be an intolerable hardship to an accused person, if you could say that you did not call for such papers to injure him, but to defend your own characters. The answer would be, that he had a great regard for your characters, but, in defending them, you were not entitled to injure him. There was another point to be considered. If the actions of lord Wellesley were such as they were represented to be, then the papers would operate against the board of controul, and their influence would be increased when it was found that the board had rejected the better counsel of the directors. But, till the conduct of that board came under consideration, the papers ought not to be produced. If, indeed, the directors had come at the time when the transaction took place, and stated their opinion to the house, and their situation, that would have been a different matter.—With regard to the point of information, the public had it, and it was of course impossible that it could be kept from members of parliament, who formed a part of that public. It was not, therefore, for information that the other papers were called for, but on account of the authority which they would have in the enquiry before the house. But what was the difference, since they were already before the public? Truly the difference was, that the commons were to pass judgment in this enquiry, and not the public. Now, as far as this argument had been used, it would weigh more the other way. If you only want information, you have that, and as to the authority, the greater that was, so much the worse for the argument and the person accused; for this dispatch contained a strong case against the marquis Wellesley. What convenience could result from its production? He saw none, but the contrary. Were the accusers to stand behind the East-India Co., or were the directors to support themselves at present by a case, of which they had not complained at the proper time? He hoped that neither of these things could be permitted. But then it was said that these papers were not intended to criminate lord Wellesley. One said that they were intended to criminate neither the board of controul, nor lord Wellesley, and his noble friend wanted them as a general piece of information. But then they would have that effect collaterally, if not directly, and therefore they ought not to be produced. We were not at present considering the situation of the finances, the fabric of the government of India. These might come under review, and then the papers might be produced. He knew that his noble friend, amongst all the excellent qualities he possessed, would regret to do a wrong thing, and he would ask him how he would feel, if afterwards these papers should, if now produced, be used in a manner which he would disapprove? Nothing at present would be lost in point of information, and though these papers might be useful at another period, they would just now be attended with the most injurious effects. Though it was not very usual to move the previous question on motion for papers, yet, as there was nothing in the forms of the house to prevent it, he would move it in the present instance.

Mr. *Johnstone* said, that the degree of astonishment under which he rose to present himself to the house, after what had just fallen from the right hon. secretary, scarcely left him the power of utterance. When that right hon. gent. and his friends were on the opposition side of the house, he always understood them to be not only the warm friends, but the loud and strenuous advocates for investigation on Indian affairs. They had repeatedly asserted, and urged, that unless a thorough and minute enquiry into the whole system was speedily adopted, India must be inevitably lost to this country; but now that they had changed places, they, it seemed, had totally changed their opinions also, and deprecated enquiry as useless and unnecessary. Had his majesty's ministers been called on to produce documents from a commander-in-chief, there might be some plea for withholding them as of a secret and confidential nature; but how they could argue that the letters or dispatches made up by the court of directors, for the purpose of being sent out to India, should be called unofficial and irrelevant upon an enquiry of this sort, he was wholly at a loss to account; but there was a precedent on the journals, of the 18th of June, 1801, in direct refutation of such a pretence; for on that occasion an order was made to lay before the house, copies of the paragraphs prepared by the court of directors and laid before the board of controul, in order to be by them considered, and inserted in the dispatches sent out to India. The right hon. gent., he thought, must admit, that this precedent was conclusive authority; and there was also another case in point upon a motion made by the right hon. gent. himself, in 1798. The only argument in which he could agree with the right hon. gent. was, that justice should not be violated; and if he could conceive that any such violation were likely to result from the production of the papers in question, he should be one of the last men to urge it; but seeing no such cause of apprehension, he could conceive no reason why the house, in proceeding to an enquiry of so much importance, should debar itself from seeing what was the opinion of the court of directors, and of the board of controul, on the subjects of Indian affairs. Those were the officers to whom the government of India was entrusted, and surely, their opinions must be extremely important for the house to know. When the investigation relative to the conduct of Mr. Hastings, was proposed to parliament, and the house had agreed to proceed to the enquiry, if any man had held such language as that of the right hon. gent. this night, in resistance to the production of documents so necessary to the information of the house; if any man had said, "Don't let us weigh down a criminal by such a mass of unofficial evidence," he would have encountered the right hon. gent.'s strongest reprobation. After the repeated assurances given to the house by the friends of that noble lord, of their readiness to give, upon every subject connected with his conduct, the fullest information to the house, the refusal in this instance was a strong reflection upon the character of that noble lord, and upon the conduct of the right hon. gent. If the noble lord's conduct was pure and unsullied, he could have nothing to fear from the production of these, or of any other opinions. He himself really had no idea that the noble lord was guilty of any intentional criminality, though, it was possible he might have fallen into errors but too incident to men in great power, by making an improper use of that power, and this was really the utmost he meant to impute to the noble lord. But if differences of opinion had existed between the court of directors, and the board of controul upon this subject, he owned, that it was somewhat singular that the India Co., and the public, should be put in possession of those differences, and parliament alone kept in the dark. In short, conceiving as he did, that the house, by being possessed of those papers, would have a much more accurate knowledge of the existing state of India, and be of course better capacitated to discuss the subject, he should persist in supporting the noble lord's motion.

Mr. *Hiley Addington* declared that nothing ever astonished him more than the astonishment expressed by the hon. member in rising to answer the speech of his right hon. friend (Mr. Fox); and in the whole of what had fallen from that right hon. gent., his opinion so fully coincided, that he felt it unnecessary to add any thing further upon points so ably and so eloquently elucidated. The noble lord who brought forward this motion, had professed, that he had no intention thereby to criminate the conduct of marquis Wellesley. He was willing to give the noble lord full credit for sincerity in his declaration; but yet he thought it was impossible, if those papers were produced, but that they must give rise to opinions injurious to his character, and strongly tend to excite prejudices against him. The document alluded to certainly was laid upon the table of the court of proprietors, by an hon. gent. who certainly conceived it to be a confidential communication. It had, by some underhand means, he understood, found its way into print, and it contained a series of opinions in condemnation of the conduct of lord Wellesley, from the time he first set foot in India, upon a variety of points totally unconnected with the matters now in charge, and consequently irrelevant, and going only to excite general prejudice, in order to influence any decision that might take place upon the particular points in question. The house, therefore, in acceding to the motion for such a paper, at this moment, would, in his opinion, do an act of the grossest injustice, for which they could make no reparation, but by directing that all the documents upon which the court of directors had founded these opinions, should be laid before them. He therefore, should oppose the motion.

Mr. *R. Thornton* having felt himself particularly alluded to in the course of the debate, thought himself called on to state his feelings and opinions. The house, in refusing to comply with the noble lord's motion, would voluntarily shut its own eyes, and keep itself in darkness and ignorance, when the fullest information was absolutely necessary. If he had been heretofore backward in moving to bring those documents forth, it was not because he thought them unimportant or unnecessary, but in deference to the opinions of the right hon. secretary (Mr. Fox), the weight of whose talents and influence he understood would be against him. But now that the motion was brought before the house, it placed him in quite a different situation. Notwithstanding the resistance given to the noble lord, he was convinced, if the house did but even suspect what were the contents of the documents moved for, and the importance of the question it would be so speedily called to discuss, it would be extremely anxious to have them produced. The embarrassed situation of the company's affairs in consequence of the wars in India, was well known to the house. It was equally well known, that differences of opinion had long subsided between the court of directors, and the board of controul, respecting Indian affairs; and that the directions forwarded to India by the court of directors had not been obeyed. But when the house was told that the Indian system was to be reformed, that the board of controul was to be changed, and that an entirely new system was to be adopted, was it not important the house should be put in possession of the opinions of the court of directors, as to what were the errors of the former system, in order to judge how India ought to be governed?—Was it not of high importance that a declaration on this subject, signed by 29 independent men, out of the 30 appointed under an act of parliament for the direction of Indian affairs, should be in possession of the house, in order to its guidance, on proceeding upon so important a topic? The affairs of India, both at home and abroad, had become extremely embarrassed, and those embarrassments might ultimately come home with claims upon that house. He hoped they would not; but it was known the company had not been able to pay the 500,000*l.* a year, to which they were pledged to the country, as the consideration of their charter. When papers were now called for to elucidate the affairs of the company, gentlemen were told they must not allude to the past. How then, except by recurring to the past, were ruinous errors to be avoided for the future? Would the house shut its eyes against all information, and proceed in the dark? Gentlemen exclaimed, "Do not set conveniency against justice." True, but justice looked two ways, and required as much the vindication of the directors as of the noble lord. The paper would be produced sooner or later; every member would read it, and it was better it should be read in an avowed and direct way: To attempt to check the perusal of it, would be as vain as to attempt to stop an eruption of Mount Vesuvius. He had no private difference with lord Wellesley, though he disapproved of his administration of India; he had no wish to stigmatize any part of the administration of the great man, now no more; it was his intention, too, to support the present administration. He, therefore, could have no factious motive. The country was in the situation of a ship beset with storms and dangers, and in this situation he should say with a departed hero, "England expects every man to do his duty." Where there had been a perversion of talents and a waste of public money; where the India debt had been increased by lord Wellesley from 11 to 30 millions, investigation was due to the country.

Lord *Castlereagh* observed, that although the professed object of the motion of the noble lord was that of criminating the late board of controul, that certainly was not the whole object of it. He had no disposition to conceal any thing, and therefore as such he would have no objection to any document which could be called for; but it would give him more satisfaction, if these documents were brought altogether under the contemplation of parliament, and the whole made properly public; it would be improper to make this document so without other documents before that house. He knew it had been laid on the table of the India house, and somehow or other had found its way in print; but that was no rule for the house of commons. Its proceedings should be founded on regularity. He was persuaded that those who laid the dispatch in question on the table of the India house, considered it as a confidential document and fit to be produced, but he wished it had not found its way before the public, unless it had been accompanied by others, and the explanations of the reasons of the court of directors for their opinions should have appeared; without all which it was impossible for those who perused the document to understand it. He did not find it difficult to decide whether the affairs of Oude were properly subject to the board of controul, or to the court of directors, but these were points not now before the house. He concurred entirely with the opinion of the right hon. secretary, who had so ably spoken on this occasion, in the view he had taken of it. If the transactions of Oude were improper, the board of commissioners had made themselves parties to that act, by the approbation they gave of the conduct, and therefore a complaint ought long ago to have been made against them, but this was not the proper course to take for that purpose. This case had been stated to be similar to a case of a document being called for, and produced on the subject of the trial of Mr. Hastings. But a distinction was to be taken between the two cases; that was an act in itself legal, being a dispatch from government, and transmitted to India, and it became necessary to lay it before parliament in order to be decided upon; that which was now called for was only the opinion of a number of individuals, and, whatever weight that opinion might have, the house would form its own upon the facts, and not upon the opinion of others, as the right hon. secretary had justly stated; and, therefore, there was no ground laid for bringing this dispatch before the house. In saying this, he was not proposing to delay the remedy if there was any misconduct in the affairs of India; for the propriety or impropriety of the transactions of Oude did not decide the general merits of the affairs of India, or of the conduct of the board of controul; they must be decided on their own merits, and the opinion of individuals had nothing to do with the general view of the affairs of India. Nothing in the refusal of laying this dispatch before parliament would have the tendency of rendering the India board less amenable to parliament than they would be if the document was before the house. A great part of the speech of the noble lord went to impeach the conduct of the board of controul, and to impeach the system of general policy acted upon in India; but if he had any disposition to censure that board, he apprehended the noble lord would find some difficulty in getting the support of the house, but the non-compliance with this motion would be no obstacle to him in that pursuit. The truth was, that although he was aware that considerable difficulties attached to the affairs of this country in India, they were not insuperable, neither was he disposed to take the same gloomy view of them that some did. Certainly the expenditure was very heavy at present, but that arose from the state of war in which it was engaged, and which he hoped would be of short duration; he was confident we should be able to struggle with those difficulties and to surmount them, and although gentlemen appeared to differ so much, yet he believed that on a close view of our condition in India, and a due consideration of all our circumstances, without which it would be impossible to form a correct opinion, the points of difference would not ultimately be so many as some gentlemen at present apprehended. There was one general observation to be made on this subject, and that was, that much of the conduct of the marquis of Wellesley, which some gentlemen appeared disposed to censure, was conduct in direct obedience to the direction of the legislature itself; so that, if these measures were wrong, no complaint should be made against any power except that of the legislature. As to the general merits of the transaction to which the document now called for referred, opportunities would be afforded of discussing them in due season, and that discussion would embrace many points besides those to which that dispatch related, and which were not now under the view of the house, without which the discussion must be partial; all which defects might be supplied hereafter by a full discussion of all the affairs of India, and nothing short of it could answer any good purpose.

Mr. *Paull* said a few words expressive of his determination to lay before the house to-morrow, criminating charges against the marquis of Wellesley; and also of his surprise that Mr. Fox should not have supported the motion of the noble lord to-night, instead of moving the previous question upon it.

Lord *H. Petty* was desirous of explaining the reason for his vote on this occasion, which should be for the previous question moved by his right hon. friend. With his noble friend who opened this debate, he had the happiness to concur on general and great constitutional principles; and he trusted he should long have that happiness uninterrupted by casual differences upon minor points. He thought it important to the public, that the paper now called for should, at some time or other, be introduced, and in voting for the previous question he should be sorry that any one should conceive him to alter his opinion on the subject of the publicity of all sorts of necessary documents for the information of the house. All he conceived to be the effect of the previous question was this, that the production of the paper moved for at this particular moment should be suspended until the accusation against the noble marquis should be disposed of one way or the other, that accusation being of a criminating nature, and the authority of this paper could not be made use of in the house in voting on that accusation. This paper contained the opinion of certain individuals on the conduct of that noble lord, and was a necessary piece of information for the house some time or other; but not so at present, for it was an authority which it would be unjust for the house to weigh when considering the conduct of the noble marquis. The house would form its judgment of that noble marquis from his actions, and not from the opinion of others. Although the house might hereafter possess itself of the information which the paper contained, the house, in voting for the previous question now, only suspended the production of the paper until the pending accusation against the noble marquis should be disposed of one way or other, and then the paper might very properly be called for in order to the general discussion of India affairs.

Mr. *W. Smith* said, he had so great a sense of the importance of the paper, that he would vote for the production of it. even under the present circumstances, if it could not be more properly produced at another time. The difficulties ministers had to contend with at present, were so great, that he was sorry to see their attention distracted by any Indian questions. When a virtual censure had been passed on lord Wellesley's administration, by sending out the late noble governor, whom all lamented, to establish a contrary system; and when a noble lord, in whom there was every reason to confide, was about to be sent out to confirm the amended system, he thought the proposed investigation unnecessary and unwise. When investigation was once entered upon, there would be no end to it. There must be a general revisal. He was astonished that 29 out of 30 directors, had sat still when their opinions were so broadly departed from; that they submitted to sign a garbled and mutilated abstract of that opinion, and that they remained a whole year without coming to the house to remonstrate, under an insult that must have been most galling to their feelings.

Dr. *Laurence* strenuously supported the original motion for the production of the dispatch in question, as a necessary piece of information. He did not think it wise to depend much on the personal character and qualities of individuals in the conduct of public affairs, although he had no exceptions to take to those who had been alluded to on this occasion. It was childish to say abuses should be suffered to go on because enquiry was inconvenient. To abstain from the production of a paper of the most useful general nature, because part of the information it contained might be applied to a particular question, he looked upon as foolish and absurd. The questions on the marquis Wellesley's conduct were so plain and direct, that they could be easily decided upon, without having recourse to collateral or remote matter, which nobody would think of connecting with them.

Mr. *Grant* (late chairman of the India Company) said, that whatever his opinion might be of the system of measures pursued in India, in the latter years of lord Wellesley's administration, as indeed of many of those measures he could not help thinking very unfavourably, yet he was no way concerned in bringing forward the enquiries respecting them, which an hon. member (Mr. Paull) had agitated in that house. It was not the practice of the court of directors, to bring impeachments before parliament. They were not represented in that house; concord between the different branches of the India administration, was in general important to the due management of affairs; and the situation of the court was a delicate one, when they had to contend with persons of high rank and connections, who filled the first situations in the India government, and supported probably, as they would be by the administration at home; under which circumstances, the mode of impeachment must be a very unpromising and inexpedient one for them to take. Even without proceeding to that extremity, they must in the circumstances described, sometimes find themselves under great difficulties in following what appeared to them to be the path of duty. Besides this general reason which weighed with him as a member of the Direction, he thought it evident that unless the leading talents and influence of that house supported a motion for impeachment, an attempt to introduce it, must prove a vain attempt; he moreover thought the present crisis, in which the safety of the nation called for the chief care and attention of the house, an unsuitable time for going into so intricate and tedious a business as the impeachment of an Indian governor would be found; and he avowed still another reason for being disinclined at the present moment to the agitation of such a measure, namely, the importance of preserving to the country in its actual situation, the union of all the talents and interests which formed the present administration, among the members of which, it was understood that a difference of sentiment respecting the conduct of the late government did exist, and that difference, if they were forced into the public assertion of it, perhaps upon various points, might have consequences prejudicial to the country. Influenced by these views, though he had at first approved of the intention of an hon. colleague of his (Mr. Huddlestone) to move for an extract of the paper now in question, as calculated to elucidate a subject already before the house: yet, on further consideration, and on hearing the ground on which that motion would be resisted, he had avised his hon. colleague to drop his intention. But the present motion was a very different one. It did not call for an extract of the proposed dispatch of the court of directors, in order to throw light on the Oude negociation of 1801; it called for the whole of that dispatch, not with any particular reference to the charge respecting Oude, but for the purpose of bringing the general matter of it before the house. This was a new question; and to such a proposition he could not refuse his assent, because if he did, it might seem that he was unwilling to bring into public light, a dispatch in the framing of which, he had his share of responsibility, and to the contents of which, he still professed to adhere. It was true, he rather discouraged, and partly for some of the reasons already mentioned, the demand made by the proprietors of India stock, for the production of this document; and how the letter had got into print, as he perceived it now to be, he was utterly ignorant, having had no idea of any intention to print it, till he observed a gentleman reading it as a pamphlet, in the course of that debate. But the letter being so far public, and a motion being made to bring it before that house, it was impossible for him to do otherwise than support such a motion. The letter contained the deliberate sentiments of the court of directors, upon a review, not indeed of the whole of lord Wellesley's administration, but of various measures of that administration, upon which they had thought it their duty to animadvert. Considerable as the talents of marquis Wellesley were allowed to be, and happy as some parts of his administration were, the court had been necessitated to express their disapprobation of many things, and for his own part Mr. Grant said, he lamented the occasion given for it. In particular, the letter in question contained the opinion of the court upon some of the subjects, which an hon. gent. (Mr. Paull) had brought before the house; and, notwithstanding all the ingenuity, ability, and eloquence, with which a right hon. gent. (Mr. Fox) had opposed the production of the letter, because it was said to be the opinion of a third party on a cause at issue between the hon. gent. (Mr. Paull) and the late governor-general, yet he (Mr. Grant) could not reconcile it to justice, or indeed, to common sense, that in such a case the opinion of the India company, given in the most regular form in which it could be expressed, should be shut out. The company of whom the court of directors were the executive body, was an integral part of the system framed by the legislature, for the government of British India. It was the right and duty of the court to propose their opinions and orders upon all important subjects relating to the government of our Eastern Empire; and to shut out the sentiments of that body in a parliamentary enquiry into any of those subjects, seemed to him contrary to the whole spirit and tenor of the constitution, given by the law to British India. He thought it no valid objection to the production of their opinions in parliament, that the board of controul had not sanctioned them. That reason might operate the other way. The Indian government as now framed, might be considered as a system of checks: the board of commissioners, controlled the court of directors; the court of directors, had to judge of the conduct of the government-general; the government-general in its turn, had always the power of representation respecting such orders from home, as it found to be inexpedient for the public interests; but the government-generalabroad,confederatingwith the board of controul at home, the one by originating measures there, the other by upholding those measures here, might entirely exclude the court of directors from any part, either for or against those measures, and by means of the channel of the secret committee, even from the knowledge of them. Such, in fact, had been the case with respect to the Oude negociation in question. It was therefore but the more natural and necessary, that if parliament wished to have full information on this subject, which is now before the house, the opinion of the court of directors, as part of such information, should be received, not as a decision of the case, for then the objection of injustice urged by the right. hon. gent. might lie; but as throwing light upon it which would better enable the house to form its own judgment. Mr. Grant said, he did not support the motion for the reason assigned for it by the noble lord, that of founding a charge against the late board of controul. He was happy to agree with many of the other sentiments expressed by the noble lord, but he did not desire to bring forward any such charge. Between the departments of the India board, and the court of directors, diversities of opinion might be expected, and if there was not a conciliatory spirit maintained between them, every difference might be pushed to an extreme, that would interrupt the public business. Certainly, the court had differed widely from the late board of controul, concerning the conduct and measures of marquis Wellesley, and the court thought the proceeding of that board in relation to these points wrong, but he was not prepared to accuse the board of acting contrary to its opinions, and in the general conduct of the late board, he was full as ready as if the noble lord (Castlereagh) who presided over it was still in place, to acknowledge the ability, clearness and intelligence, which he manifested in the business of it. Mr. Grant said, he could not hear without uneasiness, some observations which had been thrown out by the noble mover, and another speaker, concerning the situation of the court of directors, in being obliged to sign dispatches dictated to them by the board of controul. It did happen that this power was sometimes exercised by the board, and in cases of great moment. The law had given them this power. But in the general currency of affairs, in the thousands of orders which were to be given upon all the various subjects relating to India, the court originated the dispatches, and those dispatches were seldom materially altered. To attempt a change now, would be a delicate, and might be a dangerous undertaking. Time and practice had consolidated, for the general purposes of practical utility, the different parts of the complex machine of Indian government; and on the whole, it had from habit acquired a facility of movement. If one piece was taken away, others might be weakened, and in short, the whole machine be destroyed. He therefore deprecated an attempt to make any change, the whole extent and effect of which should not be distinctly seen and proved to be beneficial. On the whole, he said, he should vote for the original motion.

Lord *Temple* said, it was necessary to explain, that this proposed dispatch, condemning the administration of lord Wellesley had not been prepared till 4 or 5 years of his government had expired. The authorities he had to look to for the guidance of his conduct had not till then expressed any dissatisfaction. It was at the request of the court of directors that lord Wellesley retained the government in 1802. This dispatchof disapprobation had not been proposed to the board of controul till the noble marquis was on the seas to return to this country, and had never reached him. He wished for the production of every paper tending to elucidate the case, but this did not bear on the case, and it went to excite prejudices of the most unjust nature.

Mr. *Windham*, though sorry to differ from certain right hon. friends of his upon the present occasion, yet, feeling the question one of great importance, and himself therefore bound to express an opinion upon it, he must give an impartial one; and, therefore, keeping totally out of view all personal considerations, as with respect to lord Wellesley, and considering the question merely as between A. and B. he was clearly of opinion that the papers ought to be produced. For though the house was bound to maintain impartial justice with respect to the character and conduct of lord Wellesley, yet it was not bound to shut its eyes and ears to every thing else upon the great subject of Indian affairs. It would not be fair to give the authority of the court of directors against what had been done, neither would it be fair to give their sanction and opinion as an authority approving of that conduct which the house would be called upon to try. In the present instance, however, there was no great danger of the house being misled by the production of the papers, as the contents of them were already pretty well known. Thinking, therefore, that the production of those papers could be of no material advantage or disadvantage to the case of the noble lord, he was inclined to vote for their production, because he thought that the house had a right to be put in possession of the means of estimating and ascertaining the value of the authority of the court of directors. Although, perhaps, according to the strict rules of one of the courts of Westminster hall, those papers should not be granted, yet he conceived that parliament should not be fettered in the same manner. He could see no objection to the production of the papers in the shape they had been proposed, and as he thought they might convey much useful information to the house, he should support the original motion.

The *Master of the Rolls* observed, that nothing could be more widely different than the grounds which had been taken by the different gentlemen who were for the production of these papers. Some supported it as the means of exculpating the board of directors, and others as justifying the conduct of lord Wellesley; while another hon. gent. seemed to consider, that the great advantage in producing the papers would be to interest the house in the affairs of India, and combine them with the enquiries that were to be made. All parties, however, appeared to agree in this conclusion, that it would be most unjust and unfair that those papers should have any operation against the noble lord, or create any prejudice which might be to his disadvantage. The general argument appeared to him to have been completely answered by the right hon. gent. who moved the previous question. But the manner the noble lord meant to apply the papers, if they should be granted, appeared to him in the highest degree unjust. Whatever might be the opinion or the conduct of the court of directors, or of the board of controul, nothing would be more unfair than that lord Wellesley should be judged of, or condemned, through their medium. With respect to that noble lord, the house should consider itself somewhat in the nature of a grand jury, and although it might not be fettered by the same rules which governed inferior jurisdictions, yet it was bound not to depart from the substantial principles of justice. He did not feel that the house was driven to the dilemma which had been stated by an hon. gent.; but if he had no other alternative but to chuse between permitting a false impression to remain, or to introduce a body of evidence which he considered contrary to the established principles of justice, he should prefer the former. He therefore felt himself obliged to oppose the production of the papers.

Mr. *Alexander* disapproved of the motion, and thought the house, in ordering the production moved for, would resemble a grand jury examining evidence, not for the purpose of trying the validity of the charge, but with a view to make new accusations. This practice he deprecated as illegal and unjust.

Mr. *Fuller* thought it quite inconsistent to refuse the production of a document in that house, which had obtained such publicity out of doors, and which was so material to inform gentlemen upon the subject to which it referred.

Mr. *Wilberforce* said, that on account of his long and private friendship with the marquis Wellesley, he had hitherto forborne to deliver his opinion on these subjects; but he could not see how the production of this paper could at all affect his case. The fact was, that the paper was substantially before the house, and already printed; but it was printed in a surreptitious manner, without the name of any bookseller prefixed to it, and circulated in an indirect way. He therefore thought it would be much better that it should come before them regularly and officially. The government of India was, in many respects, an anomaly, and there were two parts that he thought should be kept distinct, namely, the political power and the patronage of India. As for the patronage, he thought it might be dangerous to the constitution, if such great additional patronage was to be given to the minister, and he therefore thought it would remain more safely in the hands of the court of directors. As for political measures, when there should be a difference of opinion between the court of directors and the board of controul, he thought the opinion of the latter should preponderate. It appeared to him, that the court of directors should, however, possess every means of elucidating their conduct, and manifesting the opinions they held on India affairs. For this purpose he should vote for the production of the paper.

Mr. *Sheridan* said, he perfectly agreed with the right hon. gent. who spoke last, that the court of directors should certainly have an opportunity, at a proper time, of putting the house in possession of their sentiments upon the affairs of India; but it did not appear to him that the present was the proper time, when the production of the paper might have an effect on the question of impeachment, which the house were to decide on. It had been observed by every body, that the paper ought not to have any influence upon that question. It therefore appeared to him better, that it should not be produced until it was decided. He concluded by suggesting a resolution, "that the altered dispatch of the 3d of April, 1805, had not the sanction of the court of directors."

The *Speaker* suggested to the hon. gent. that it would be necessary first to put the previous question.

Lord *A. Hamilton* shortly replied to the arguments that had been urged against his motion, and disclaimed the idea of having brought it forward with any view of prejudicing the case of the noble marquis.

Mr. *Windham* observed, that one great objection to the resolution proposed by his right hon. friend was, that the house would thus adopt a resolution for which they had no authority before them.

Lord *Castlereagh* in reply to a question put by Mr. Fox, stated, that the dispatch respecting the treaty of Oude, in 1803, had been first drawn up by the court of directors, and altered by the commissioners of the board of controul. In every thing that did not relate to questions of war or peace, the dispatches originated with the court of directors.

Mr. *Jervis* was of opinion that a period might arrive when it would be proper to produce this paper; but he thought it was not proper now. The house ought not to receive any thing against lord Wellesley that would not be received in a court of equity.

Mr. *R. Thornton* said, the house appeared to him to be in a great error in matter of fact. The court of directors had first written a dispatch, which censured strongly some part of lord Wellesley's conduct. The board of controul altered that dispatch in a great many respects, and softened down several of the expressions; but still what remained was, as far as it went, the opinion of the court of directors. A right hon. gent. had conceived an improper opinion of the court of directors, if he supposed they could be absolutely forced to sign papers contrary to their opinion. If there were no other way of avoiding that, they had at least the liberty to resign their situations.—The question was then called for, and, on the house dividing, there appeared

For Lord A. Hamilton's motion	27
For the previous question . . .	121
Majority for the previous question	94

List of the Minority.

Andover, Lord
Babington, T.
Fane, ——
Fonblanque, J.
Francis, P.
Fuller, J.
Grant, C.
Huddleston, J.
Hutchinson, C. H.
Inglis, sir H.
Keck, A.
Laurence, F.
Mills, C.
Mills, W.
Moore, P.
Paull, J.
Porcher, J. D.
Praed, W.
Prinsep, J.
Robarts, J.
Thellusson, G. W.
Thornton, R.
Wilberforce, W.
Windham, W.

TELLERS.

Hamilton, Lord A.
Johnstone, G.

[Intercourse between America and the West-India Islands.] Mr. *Rose*, pursuant to notice, called the attention of the house to the intercourse between the United States and our West-India colonies. The right hon. gent. entered into a detailed account of the trade of the colonies, and the manner in which they had been supplied with provisions and lumber, previous to the relaxation of the navigation law, in order to allow them to receive supplies of these articles from the United States, &c. in the shipping of America. When the first application was made to govt. to grant this indulgence to the West-India planters, a commission of enquiry was appointed, and it was found that the necessity stated by the planters did not exist, and that the apprehensions of scarcity, which they then expressed, were groundless. A strong reason against complying with their wishes arose out of the importance of this branch of trade to our commercial interest and our maritime strength. In fact, it appeared that before the American shipping were allowed to trade with our colonies, we had in that employment no less than 937 ships, of 110,000 tons, and 6,500 seamen. But since the exclusion of American shipping had been released, to which gentlemen felt it necessary to assent in the year 1793, a diminution of a most alarming nature had taken place in the quantity of our shipping in the colonial trade. In fact it was reduced to 167 ships, of 19,000 tons, and only 1,300 men. Such was the consequence of this relaxation. But yet, great as the sacrifice was, government was urged to accede to it for the accommodation of the planters, for the supply of the colonies. The concession was however made to the pressure of strong necessity, and if a similar necessity should recur, he would not be disposed to resist a similar concession, always, however, letting the responsibility for such acts lie with the governors of the islands. He had heard that it was intended to transfer this responsibility to the ministry at home; and he deprecated such an intention. He was sure it would be dangerous, and that, if responsibility were withdrawn from the governors, it would fix no where, and the consequence would be, that the trade with our colonies would be thrown open altogether to the Americans. The colonial governors would surely be the best judges of the existence of any necessity for the admission of American ships. Indeed, that necessity, if he was rightly informed, was not likely again to occur, if measures were taken to enforce the provisions of the navigation act. If American ships were altogether excluded, he was assured that there were numbers of British ship-owners, who would be ready to freight a sufficient number of British ships, to carry every necessary article from America for the supply of our colonies, and afterwards to bring home our colonial produce. To enforce the exclusion of the Americans was necessary, in order to encourage our own American colonies, which he shewed, from an account of its supply of certain articles, was competent to furnish our islands with more than seemed to be the general supposition, and yet those colonies appeared to decrease in wealth and population as the United States advanced. The right hon. gent., with a view to impress upon the house the importance of this subject, stated the various interests that were involved; he particularly dwelt upon the consequences resulting to the East-India Co. from the intercourse of America with our colonies. The fact was, that not an article of our East-India produce found its way of late either to the British or Spanish colonies but through American traders. That our colonists could not find a market for their rum, if not allowed an intercourse, was an assertion which he deemed of no weight; and it was absurd to say that it would tend to throw any impediment in the way of our amicable understanding with America; if our navigation laws were rigidly enforced, that country could not, consistently, complain of our resolution to maintain that which had been, for so long a period, the law of England, but which was, in fact, one of the fundamental laws of every maritime state. For there was no rich state to be found which did not maintain a monopoly of the trade of its colonies. Under all the circumstances, he warmly recommended to ministers to enquire into this subject most carefully before they attempted to carry into effect the design ascribed to them. The interests of the ship-owners, the planters themselves, the manufacturers, and the East-India Co., all of which were concerned in this affair, ought to be well weighed and considered. Towards the planters he felt a very natural disposition to accommodate, for he was much interested in West-India property, having himself a large estate there. But he would consent to no accommodation which threatened such consequences to Great-Britain, as the reported project of ministers was likely to produce. He declared, as the conviction of his mind, that if the salutary restraints of the navigation law were enforced upon this point, that, from even its present reduced state, the advances of our colonial trade would be such that we should soon employ in that branch from 100 to 150 thousand tons of shipping, and from 8 to 10 thousand seamen. The right hon. gent. concluded with moving, for; 1, "An account of the number of British ships, their tonnage, and the number of men employed in the trade between Great-Britain and the United States of America, from 5th Jan. 1789, to 5th Jan. 1806; distinguishing each year.—2. An account of the number of ships, their tonnage, and number of men employed in the same, which belonged to the British West-India islands, and the British colonies on the Continent of America, and which were employed in the trade between those islands (exclusive of settlements captured), and the Continent of America, from 5th Jan. 1792, to 5th Jan. 1806; distinguishing each year, and distinguishing those trading from the West Indies to the United States, from those to the British Continental colonies.—3. An account of the quantities of provisions and lumber imported into the British West-Indies, (exclusive of conquered islands) from the United States of America, and from the British Continental colonies respectively, from 5th Jan. 1793, to 5th Jan. 1806, so far as the same can be made up; distinguishing each year, and distinguishing the quantities imported in British ships, from those in foreign ships.—4. An account of the quantities of rum, sugar, coffee, and cotton wool, exported from the British West-India Islands, from 5th Jan. 1793, to 5th Jan. 1806, so far as the same can be made up; distinguishing each year, and the quantities to the United States, to the British colonies on the Continent of America, and to Great Britain respectively."

Lord *H. Petty* had no hesitation in avowing the intention to make that transfer of responsibility of which the right hon. gent. professed to disapprove, and he had no doubt that it would prove to be a most beneficial change. The house and the country must feel, that the most convenient way of supplying our West-India islands was from America; and the object of the proposed arrangement was, that this supply should be regular; that the colonies should be protected from the scarcities and fluctuations of supply, which had been productive of so much calamity and desolation. It was material to humanity and justice, that some fixed determination should be come to upon the subject. Sooner than leave it in its present state of uncertainty, it would be even better to declare, that the islands must be wholly supplied from G. Britain. It was highly necessary that some system should be established, and that matters should not be left to the discretion or cession of governors. The conduct of the last administration, to which the measure belonged, shewed that the relaxation of the law, which the right hon. gent. would now draw so tight, was necessary to the provisional subsistence of our islands, for they relaxed that law both during war and peace. As to the right hon. gent.'s allusion to the capacity of our American possessions to supply our islands, that could be best judged of by this fact, that these possessions found it necessary themselves to apply to government for a relaxation of the law in their own favour, in order that they might obtain provision from the United States. The scarcity which produced this application was, no doubt, in some measure, the effect of accident; but yet, in providing for the subsistence of men, he would, as much as possible, guard against the recurrence of even accident. The noble lord concluded with remarking, that, although he felt the proper time for the discussion of this subject would be when the general question was under consideration, still he could not persuade himself to withhold the observations he had made.

Lord *Castlereagh* said he could never consent to any measure that went so materially to affect the commerce and shipping interest of the country as the one about to be adopted by his majesty's ministers. The rule had been, and it was the rule he always wished to see observed, that whenever such importations as those in question were permitted, the persons permitting them should act not according but contrary to law; and that it should afterwards be in the discretion of parliament, according to the nature or necessity of the case, to indemnify them for their breach of a positive law.

Mr. *Fuller* said, there was a certain fatality attending some men, which was that they never were able to abandon any opinion they had once adopted, however erroneous it might be. This seemed to be now the case with those who in their devotion for the navigation laws, would suffer the West Indies to be ruined, and their inhabitants starved for want of necessaries. Had not the governors of the islands permitted the importation of provisions, the inhabitants of the islands would have perished. But governors might not always be disposed to act on their responsibility, and the islands might be in want. He wished to know how they could be supplied by British ships? At this moment we were not able to get seamen to man our navy, much less to send ships out to carry on a circuitous trade to America, and thence to the West Indies. The export of

West-India commodities would be considerably checked if the American intercourse was not permitted. The conduct pursued by the right hon. gent. (Mr. Rose) reminded him of other measures adopted by him to the prejudice of the West-India planters, when he acted under the late chancellor of the exchequer. They gave unlimited encouragement to the importation of brandy, and the consequence was that the poor West-India planters could hardly find a market for their rum. The measure now about to be adopted by government would have a most beneficial effect, and it met with his decided approbation.

Sir *W. Young* approved of the measure about to be adopted by ministers; as did also

Mr. *Barham*, who said that so great was the scarcity of shipping to carry away the produce of the plantations, that he had 200 hogsheads of rum lying at one time for 6 months, without any means of sending them away. As to British ships carrying on the trade to the colonies which the Americans did, none would be found to do it.

Mr. *Rose* said, that the trade was sufficiently profitable to afford a temptation to our merchants to carry it on.—The motions were then agreed to.

[Slave Importation Bill.] On the order for going into a committee on the Slave Importation bill,

Mr. *Rose* said, it was the duty of the house seriously to consider how the passing of such an act as this might affect the trade and manufactures of the country. On that very evening a message had been brought down from his majesty, with an account of acts of hostility practised against this country by Prussia, and he hoped there would be but one opinion in that house, and in the country, as to the course we ought to pursue on such an occasion. The house must be aware that the exclusion of our vessels from Prussian ports would materially affect the export of our manufactures, and on that account he did not wish to see any measure adopted which should serve to increase that evil. If the trade carried on to the coast of Africa was diminished, not only would the sale of British commodities be diminished, but the trade itself would be taken up by the Americans; and on the score of humanity, it was much better it should be carried on by this country, on account of the superior good treatment which slaves met with in British ships.—The bill was then committed.

HOUSE OF LORDS.

Tuesday, April 22.

[Minutes.] The West-India Governors Indemnity bill was read a 3d time and passed.—On the motion of lord Auckland, the order for taking the report of the Impeachment Proceedings Committee into consideration to-morrow, was discharged, and the report was ordered to be referred to the said committee for revision, &c.—Earl Stanhope moved, that the order for committing the bill for the more effectually Discovering of Truth from Witnesses, should be further postponed till the 19th of May, which was ordered accordingly.

HOUSE OF COMMONS.

Tuesday, April 22.

[Minutes.] The hon. Henry Erskine (lord advocate of Scotland) and Mr. Wickham took the oaths and their seats.—Mr. Whitbread moved, that a committee be appointed to view the court erected in Westminster-hall for the trial of lord Viscount Melville, and to report what accommodation and convenience had been made for the members of the house when present at the said trial, and that the managers for conducting the impeachment should be the said committee; which motions were agreed to.—He moved also, that the order be read from the journals, made on the 13th July, 1805, for the attorney-general to institute a prosecution against lord Melville and Mr. Trotter, and which was since suspended, should be read by the clerk, which was agreed to; and the order being then read, he moved that the said original order be discharged, which was carried accordingly.—The order of the day being read for taking into consideration his majesty's message, Mr. Fox observed, that as it would be more convenient for the members to take the message into consideration to-morrow, he should move, that the said order be discharged, which was agreed to. He then moved, that it be taken into consideration to-morrow. Ordered.

[Volunteer Establishment.] Mr. *Perceval*, in rising to move for the paper, of which he had given notice, thought it necessary to state the reasons which induced him to submit such a motion, and the object which he had in view. This paper, he was ready distinctly and clearly to say, was meant to apply to that part of the right hon. secretary's argument upon which he seemed so much to rely in the discussion of a former evening, and which in reality formed, in that right hon. gent.'s own judgment, the strongest reason to justify his extraordinary and exceptionable proposition respecting the volunteers. The character of extraordinary and exceptionable he did not, of course, mean to apply to the whole of the right hon. gent.'s plan. But with regard to the volunteers, he had no difficulty in pronouncing it totally objectionable, as it had a tendency not merely to the immediate reduction, but at no distant day, in all probability, to the complete extinction of that useful body. The consequence of the right hon. gent.'s arrangement it could not be difficult to anticipate. It obviously must lead to one or other of these effects: either to drive 300,000 able, effective, and ardent men, to lay down their arms altogether, and quit the service in disgust, or, if not, to keep them in at least a state of comparatively less utility to the country. For what was proposed that must not operate to degrade the volunteers in their own opinion, and in that of the country also? Was it not, in fact, meant to make the volunteer corps a stigmatized asylum from the operation of the compulsory levy? Could any man doubt the justice of this statement who had attended to the right hon. gent. on a former evening, or who recollected the uniform tenor of his remarks upon the volunteer institution? The right hon. gent. appeared to rest a good deal of his hostility to this institution on the expence which it occasioned, and therefore it was extremely desirable that the house should be informed of the real amount of that expence, distinguishing the different heads of expenditure. When this account should be laid on the table, it would be seen what part of the expence complained of, could be discontinued; and gentlemen would have an opportunity of comparing the amount of the sum to be laid out with the value of the service. It would be also seen what proportion the amount of this expenditure had to the produce of the income tax, to which the right hon. secretary alluded. No doubt, the expence hitherto incurred by the volunteers was considerable, but he had no difficulty in saying that a great part of that expence was such as could not recur again, and therefore could form no reason at present in support of a measure that was calculated to disband a considerable part of that body, and to disgust the whole. There were, in fact, many heads of service upon which the expence might be saved altogether, without at all working any diminution of the number or efficiency of the volunteers. This would appear when the paper, for which he meant to move, should be produced, and he was, of course, as a friend to the volunteer system, desirous that it should be laid before the house. He should be also desirous to have an estimate brought forward of the expence likely to arise from the compulsory training of the people. If such an estimate could not now be obtained, he should of course, defer any application for it. But, he would feel much satisfaction if it could be produced, because parliament and the country would then have an opportunity of comparing at once the expence, and the services also, that were to be looked for from the two systems, and of examining their comparative value. If the expence of the two should prove to be equal, it would be for the house to consider, whether the proposed change should take place? Whether Englishmen, who voluntarily stood forward in the hour of peril, should be disbanded, to make room for a reluctant, constrained levy? It was the first time that such a proposition had been made in this country, and it required but a little consideration indeed, to estimate the difference between the two kinds of service. Sure he was, that parliament could hardly be persuaded to adopt a measure of forcibly training, particularly where they felt it to be unnecessary, and if they felt it to be unnecessary, they must feel it to be unconstitutional. For whatever he might think of the right of the state to call upon the population of the country to arm in its defence; however he might conceive the prerogative of the crown entitled to summon the whole people together, and he remembered to have carried that doctrine further than the right hon. gent., still he always felt the right and exercise of the prerogative to depend on the pressure of the necessity. But he could not imagine the degree or nature of the necessity, which could justify the compulsory levy of 200,000 men, in preference to the employment of 300,000 able, well-disciplined volunteers. Whether such a measure should be taken, it would be for parliament to determine; but, in order that it should be enabled to determine justly, he thought the fullest enquiry should be made. Having said so much as to the object of his motion, the hon. gent. proceeded to comment on some late proceedings out of doors upon this subject. The volunteers formed, he was well aware, rather a delicate question at present. Considerable agitation and ferment prevailed abroad respecting it, and nothing could be farther from his wish, in introducing this motion, than to increase in any degree a ferment of that nature, the existence of which every thinking man must regret. It would, therefore, be a great misconception of his object, to suppose that by this motion he meant to encourage any disposition to discontent among the volunteers. He should most sincerely deprecate any thing that could contribute to such an effect. Indeed it was seriously to be deplored, that the volunteers, or any other description of persons, should take up any impression from the mere proposition of a measure in parliament, as to what parliament was likely to do. For just in the same degree that any such measure was unjust or unwise, or likely to press severely upon them, should any portion of the people feel that parliament would not feel disposed to adopt it. The people should at least wait until the decision of parliament was known. And until that decision, instead of apprehending evil, their presumption ought to be, that such a measure would not be adopted. The character of parliament, and the just respect which the people entertained for it, should naturally incline the public mind to that presumption. To the volunteers he particularly addressed these observations; and to indicate a disposition different from that he recommended, would on their part, to say the least of it, be impolitic and unwise. For any indecorous conduct, at present particularly, must be injurious to themselves and their advocates, by furnishing to their enemies the strongest arguments against them. He felt, however, that it must be confessed the disgust and discontent of the volunteers was, in a great measure, excusable. It was very natural for them to complain when they heard language used respecting them by a government composed, for the most part, of men who originally encouraged their formation, and who almost uniformly panegyrized their conduct. When they saw any part of such a government, instead of patronizing them, manifesting a wish to throw impediments and obstacles in their way, the same feelings which led the volunteers to quit their habits and employments to prepare for the field of war, must now dispose them to chagrin and disappointment. When they were held up as a disgrace to the military profession; when told that it was degrading to the army that they should be dressed in the same uniform with them; that it was an affront to military officers, that volunteer corps should have any thing like similar distinctions. That although their want of discipline had been the general complaint heretofore, the remedy now proposed was to relax that discipline—it was no wonder if the zeal of the volunteers was in some degree damped, and their dispositions soured. But still they should not suffer themselves to be agitated, but wait in respectful confidence the decision of the legislature. The hon. and learned gent. concluded with moving for "An account of all sums issued and expended for the service of the volunteers of Great Britain, from the commencement of the present war to the latest period at which the same could be made out, distinguishing each year, and also each head of service."

Mr. Secretary *Fox* did not rise to object to the motion of the hon. gent., because, without such a motion, it was intended by his right hon. friend (Mr. Windham) to lay this document before the house. But the hon. gent.'s speech and his motion being far from the same thing, he must say, that although he acquiesced in the one, he very much objected to several parts of the other. The hon. gent.'s observation, that the volunteers should, before they took a strong impression as to his right hon. friend's plan, wait the decision of parliament, was certainly unexceptionable; but he could not help observing that that sentiment very ill consisted with other parts of the hon. gent.'s speech. When a person of understanding, competent to conceive the proceedings of that house, was found to misrepresent words which it was impossible to misconceive, it was not difficult to infer his object. Nothing could have been more explicit than the meaning of his right hon. friend. When he alluded to a relaxation of discipline, he meant merely that the volunteers should only be seldomer called out to exercise, and that being obvious, it ought to have been beneath the hon. gent. to catch at words. Was it possible that the hon. gent. could be so mistaken as to understand that any intention existed of disbanding the volunteers? Sure he was, that if his right hon. friend entertained any such intention, he had concealed it from him. That his right hon. friend said any thing, on the day alluded to, to warrant such an inference, he most peremptorily and absolutely denied. It would have been rather more becoming in the hon. gent. to have waved any remark on this plan until it was perfectly understood; for it was quite clear that he did not understand it; and it was much to be regretted that some industry was made to propagate a similar misunderstanding throughout the country, but, thank God, with very little success! With respect to the use made by the hon. gent. of the word "asylum," it could only have been applied by his right hon. friend to the volunteers, as the body which those men in the higher classes of life, who might wish to be exempted from the compulsory training, would naturally choose. The hon. gent. talked of substituting 200,000 men, trained according to the new arrangement, for 300,000 disciplined volunteers. But the hon. gent. did not seem to recollect that it was not 200,000 men merely, but the people of the country in rotation, that would be trained, in addition to the volunteers. The only change on the whole, in the volunteer system, was merely to retain those only who should serve without pay, and that would be conformable to the original principle of their formation. Therefore, the change could occasion no murmurs, unless men were pre-determined to complain. He was sorry to hear of the existence of any discontent, although he was persuaded that it could proceed only from misconception. But when the hon. gent. deprecated any intemperance on the part of the volunteers, lest it should furnish their enemies with arguments against them, he would wish to know whom the hon. gent. considered the enemies of the volunteers? For he knew of no such persons in that house. The hon. gent. might say whom he suspected, but he rather believed that he would feel it difficult to state the grounds of his suspicion. That a difference of opinion prevailed upon this question, both in and out of the house, he was perfectly convinced. He could not hope for unanimity. But, upon a fair and full understanding of the measuse, he had little doubt that the number of its opponents would be comparatively very few.

Mr. *Perceval*, in explanation, said he might have misunderstood the meaning of the right hon. secretary, as it was now explained. But from the words used, and the concomitant circumstances, of allowing no drill serjeants, no inspecting field-officers, no permanent duty, he left it to the house to judge, whether he was not warranted in making the interpretation. The right hon. gent. might say, he had explained himself to mean, by relaxation of discipline, only a reduction of the number of days of exercise; but he gave the right hon. gent. to understand, that there had been no misinterpretation of what he had said, farther than what he had said was naturally calculated to suggest, till it was explained. No wilful misrepresentation was intended. The right hon. sec. who had spoke last, possessed a key to the right hon. gent.'s meaning, which he did not possess; but he appealed to the house for the fairness of the meaning he had assumed, before he was corrected by the explanation of this night. He was glad, that he had been in any way the instrument of drawing out the declaration, that it was not the intention of his majesty's ministers to diminish the volunteer force.

Mr. *Fox* in explanation said, the hon. gent. was equally called upon to acquit his majesty's ministers of having done any thing offensive to the volunteers.

Lord *Castlereagh* had never heard any speech of the right hon. gent. with more pleasure than that which he had now closed. Whether from the discontents expressed in the house, or those expressed out of it, or from whatsoever cause, the bill brought forward was extremely different from the opening view of the right hon. gent. who had brought it forward. He wished that the amendment might be carried still further; that the branch of the military establishment appropriated to foreign service, might also escape the innovating grasp of the right hon. gent.; and that the destructive reform he meditated might be sacrificed either to the public disapprobation, or the right hon. gent.'s own better consideration. He should be sorry to pin any man to a particular expression that might have escaped him in the warmth of debate; but the expression alluded to, was too distinct to be liable to misunderstanding or misinterpretation. The right hon. gent. had expressly spoken of loosening the discipline of the volunteer force. The right hon. gent. had besides opened his speech with lamenting, that the stage was occupied by the volunteers. The right hon. gent. might not have been prepared to proceed to the immediate dissolution of the volunteer force; but he called on the house to recollect, that the right hon. gent. in agreeing to grant clothing for this year, expressly withheld himself from any pledge to grant it in any future year. He called on the right hon. gent. to say whether he had not expressed himself to this effect. He knew the right hon. gent. was too manly to deny it. The right hon. gent. had said, that the volunteers were prepared for a service to which they were wholly inadequate; and that whatever the inspecting field officers might say of their fitness to serve in the line, they were wholly unqualified for that service. But however the term of loosening the discipline might be explained, a material change was to be made by taking away the drill serjeants, and the inspecting field-officers, the only point of contact with the government the volunteers had. Instead of being in a situation where they could be of essential service to the country, they were to be sent back to their homes. In every step, from the highest retrenchment of the staff, to the lowest retrenchment of the drill serjeants, every thing short of absolute disbanding was proposed, in the reduction of the volunteer force, with a view to an armed populace, or a drilled mass. Was it possible to conceive such a military body as a drilled mass without officers, to be taken out of the people, and after 25 days of drilling, after being shewn the use of the musket so far as they could learn it, to be sent back again among the people, whether with or without the muskets, to the use of which they would have been trained, the right hon. gent. did not say. If this mass was to be thus trained without officers, how was it possibly to be collected in case of invasion?

Mr. *Francis* to order, asked whether this was a motion on the general subject of the volunteer force? for if it was a mere motion for papers, it was very wrong to go into it at such a length without notice.

Mr. *Paull* stated the right to the attention of the house to belong to his motion, of which a long notice had been given, and not to this of which there had been no notice.

The *Speaker* said, there had been a notice of the motion for papers relating to the volunteer force. The motion had certainly branched out into a more general range than such a motion seemed to require. But it was in the discretion of the house to permit or to restrain such extraneous proceedings. He did not feel warranted in interposing to check it before, nor did he now.

Lord *Castlereagh* said he had been naturally led into a comparison of the volunteer force with that which the right hon. gent. meant to substitute. He was glad that so material a change had been made in what the right hon. gent. had proposed. All the regulations proposed were calculated to produce practical relaxation of discipline, and diminution of numbers.

Mr. *Windham* was glad his right hon. friend had stepped forward to answer the learned gent. who had brought forward this motion. He had himself been thrown into an agitation which rendered it not quite fit for him to stand up, not by the poignancy of the wit of the learned gent. who had introduced this debate, but by a sort of figure of speech adopted by the learned gent. which excited feelings in him which it was fit to keep down, and to forbear addressing the house, till they had given place to feelings of a cooler nature. Part of the arguments urged on the other side, applied to questions very proper to be discussed at another time, when the measure that gave rise to these questions should be before the house. The other part called not so much for argument, as for flat contradiction. It was an open undisguised mistatement of what he had said on a former night. He had not only never said, but he had never thought of what had been imputed to him. The learned gent. had expressed an anxiety to explain the object of his motion. It was not necessary to explain the object of the mover. That was clear, and he should be exceedingly sorry if the learned gent. had not been as perfectly successful in that point as he was. It was a kind of parliamentary warfare, resorted to in some few instances before, but now adopted without limit by the hon. gent. on the other side, to influence every passion right or wrong,—[a cry of no, no]. That was at least the tendency of what had been said; and though it might not be parliamentary to charge it directly, he was more justified in collecting it from the speeches of the hon. gentlemen, than they were in collecting the misinterpretation of this night from his. The hon. gentlemen might, if they thought fit, adopt this system of parliamentary warfare: but he wished them to abstain from misinterpreting his speeches, and making their own misinterpretations the foundation of attacks upon him. He should be happy to follow the contradictions imputed to him in their order, but that was impossible. The learned gent. had charged him with saying the army was degraded by the volunteers wearing the same colour. All he had said was, that as the army everywhere existed as a distinct body, and its character depended in a great measure on that distinction, a part of its discipline and character was lost when that distinction was multiplied. He utterly denied using any expressions to the extent the learned gent. charged upon him. As to the charge of having made the volunteers a degrading asylum for those who fled from the Levy en masse, his right hon. friend had so fully vindicated him from it, that he was almost ashamed to revert to it. His object was, that persons who from their situation and rank in life would be averse to being trained in the general mass, should have the option of being trained in a more congenial manner in the volunteer force. It was on the same principle that the volunteer system was formed on the basis of the Levy en masse act. The exemptions from the militia, and the other inducements to enter into volunteer service, were made matter of reproach to the volunteer force. He did not make them matter of reproach; but the learned gent. did, in making them matter of contrast between the volunteer training, and the Levy en masse. And by whom was this distinction made? The learned gent. was the author of the army of reserve bill, by which 50,000 men were to be raised, who had given to the volunteers an exemption from this act and from the militia, and who had, as his noble friend (lord Temple) had very properly reminded him, given it as his opinion, that a volunteer could not resign—[hear! hear!]. Yet he was the person to come forward now, and to say the volunteers were degraded by the admission of those who preferred voluntary training to the training *en masse.*—He came now to the charge of relaxing the discipline. It was rather singular, that, in a speech which he as well as others had thought long for the occasion, this was the only point he could fasten upon as a subject of discontent to a large body of men whom the learned gent. and his friends found it convenient to agitate. Perhaps, critically speaking, the word relax might have been inexact and unfortunate; remit might have been a better word—[a laugh from the other side]; the hon. gent. might feel amused, but the house would recollect, that all objections of this nature would be nothing more than mere verbal criticisms. The learned gent. who collected so much mischief from the wonder-working word "relax," must, as well as the house, be aware, that he meant by it nothing more than, that the volunteers should attend a smaller number of days, and that there should be no permanent duty.—With respect to their attendance at drills, on the other days, or their being subject at proper times to military law, no alteration was to be made. The inspecting officers had no power to enforce attendance at drills, and that, among others, was a reason for getting rid of them. How the learned gent., who must have known that the application of the word relax was confined to these points, could give such a latitude to it, he was at a loss to conceive. In himself he felt awkward at being put upon his justification, when he was so perfectly unconscious of any thing wrong. The whole of his alterations in the volunteer system consisted of a few subordinate measures of economy, which could have no effect one way or the other. They went merely to put the volunteers on the original footing of voluntary service, a footing on which 300,000 of the 350,000 now existing already were. The object was to reduce them from the June to the August allowances. There were now but 50,000 on the June allowances. If this could have the effect of disbanding the volunteers, of whom 300,000 were already on the allowance to which all were to be reduced, it was matter of astonishment to him, as it would be to all the world. The proposed arrangement would have no other effect than that of placing the allowances on the footing on which they had been at first, and on which it was acknowledged to be desirable that they should be. The tendency of his proposition was rather to add to than to diminish the numbers of the volunteers. There was nothing done to disband, and those who would find it eligible to go into the volunteers to avoid the training *en masse*, must *pro tanto* be an increase. To leave the allowances as they were, without any increase, must have the effect of doing what he did. The bill only went to put into the mass those that would not serve at their own expence, and to take out of the mass those who wished to serve at their own expence. As to the general argument on the measure, he would reserve himself till a future occasion, as the learned gent. ought to have done, if he had contented himself with moving for papers, to the production of which he must have known, there was not the smallest objection. When the learned gent. made a speech of such length, in such language, and with such matter, it was fair to impute to him objects different from his mere motion. He had not the smallest objection to the production of the papers.

General *Tarleton* congratulated the house on the difference of the right hon. gent.'s sentiments this night from what he thought on the night on which he brought forward his measure. Every one must remark the vast difference of tone, language, and manner. In the short sketch of the former night the right hon. gent. took away from the volunteers their drill-serjeants and their inspecting field officers, thinking it sufficient that they should be seen some time in the year by the lord lieutenant or his deputy. That must indeed relax their discipline. The difference of tone that was observable this day, must be imputed to the sense the country had manifested on the contents of the speech made by the right hon. gent. on a former day. Resolutions had been entered into by many corps, which had been submitted to his majesty's ministers. He had seen many such resolutions, and had recommended to wait patiently till Mr. Windham's system should be fully explained. The right hon. gent. and the house would pardon the irregularity of mentioning the name; but the system was known, as Mr. Windham's, in contradistinction to all others that had ever existed. The object of the motion was to simplify and elucidate the statement of the right hon. gent. The right hon. gent. had stated that 5 million had been expended in three years for volunteer service; and the question was, whether there was in that service merit adequate to the cost? The merit of the service was unquestionable: and was service of such unquestionable merit to be recompensed only by the refusal of rank, as if they were unworthy of it, by telling them, that the colour of the army was degraded by their wearing it? This was a mode of increasing the strength and security of the country, which could not easily be paralleled.—The question was then put, and the paper ordered.

[Affairs of India.] Mr. *Paull* rose, in pursuance of the notice which he had previously given to bring forward his First Charge against marquis Wellesley. The hon. gent. said that it was not now, nor had it ever been, his intention to trespass, at any unnecessary length, on the time of the house, much less at an advanced hour of the evening, when its attention must have been, in some degree, exhausted by a discussion certainly of much local importance to the country. He should barely state the heads of the charges he meant to bring forward, and the manner in which he meant to proceed in following them up. It might possibly be asked of him, why he had volunteered in this business? or why he had not left it to the discretion of the India directors themselves, to have instituted proceedings, as being the parties to whom that duty most properly belonged? To this he would answer, that finding the India directors, to some of whom he had applied on the subject, averse to urge any proceeding, he certainly did volunteer, and more especially in the case of the Nabobs of Oude and Ferruckabad, because he was intimately acquainted, from his own knowledge, with the whole of the circumstances, and therefore felt it his duty to bring the matter forward. Before he had determined so to do, he had applied to that body, whose treasures the noble marquis had so profusely squandered, whose orders he had so uniformly transgressed, and whose authority he had so totally disregarded; but they had declined the proceeding. It was not a task he had undertaken as one agreeable to himself, or which could yield him any personal satisfaction, but one which he had assumed upon public grounds alone, and under a sense of imperious duty as a member of parliament. The task had been to him extremely arduous. It was one which the court of directors were in duty bound to have undertaken; and by their refusal to do so, he had no hesitation in saying, they adopted the crimes of the marquis Wellesley. Still however, where there was shame, there might in time be virtue, and the directors at last seem to be sensible of their former dereliction of duty:—some excuse for their conduct, might however be found, on the ignorance they were so long kept by the criminal withholding of the documents by the accused nobleman. Since he had given notice of his intention to bring forward the accusation, and evinced his determination to follow up his purpose, the court of directors were so sensible of the criminality of that noble lord, that they had drawn up an indictment against him, abounding with charges of the most criminal and flagitious nature, and in terms as strong as ever were submitted to the decision of a court of criminal judicature. In bringing forward those charges at the present moment, he lamented extremely the absence of a noble lord (lord Folkestone), who had done so much honour to himself and to the cause of justice, by his conduct on this occasion, and who, had he been present, would have given him the most cordial support; and nothing but a state of illness, which rendered him unable to attend, could have occasioned his absence that night. For the manner in which the Charge was drawn up, he must beg leave to apologize, and to appeal to the indulgence of the house. Its merit or demerit was exclusively his own. Scarcely known, as he was to the house, and unaided by any associated support or influence that could tend to facilitate his purpose, he felt much difficulty to form his charges: for any *professional* aid on the occasion he had not applied. In the course he had adopted, he had endeavoured, to the best of his judgment, to found himself on precedent. He should read the statement containing those charges to the house, as part of his speech, and should lay them upon the table, then it would be his object to move, that they be taken into consideration at some future day. The hon. gent. then proceeded to read, the several heads of charge against marquis Wellesley. It was extremely difficult even to catch the substance with any degree of accuracy. The statement commenced with recapitulating the appointment of the noble marquis to the chief government of Bengal, about the middle of October 1797, as successor to lord Teignmouth, and that he reached the seat of his government in May 1798; in which he continued until he was superseded by the marquis Cornwallis's re-appointment to the government in August, 1805; and that the said marquis Wellesley, though he was solemnly sworn to obey the instructions of his employers, and do every thing in his power, and to the best of his judgment, to promote and support their just and lawful interests in India, yet instead of so doing, on his arrival in India, he disregarded their authority, disobeyed their instructions, assumed to himself a despotic power, turned his back upon the true interests of the company, and did without their permission, and contrary to their instructions, for the gratification of his own caprice, with the most flagitious profusion, and for corrupt purposes, squander the money of the said company to an enormous extent. It recited also the charter granted to the company by parliament in the year 1793, upon the express condition that, in consideration thereof, the company should annually pay to the government, out of the surplus profits of their trade, after deducting the necessary expences of conducting their affairs, the sum of 500,000*l.* annually; the assets of the company in England to be answerable for such payment, and subject to an interest of 15 per cent.: but that in case of a war in India, or any other reasonable cause to prevent the regular payment of the said annual sum, upon representation from the company to his majesty's ministers, it should be lawful to defer the payment, and the debt so due to be funded by the company, as due to the government, charged with an interest of 6 per cent. But that the company had never paid any part of that sum. In consequence, a debt to government of 6 millions had accrued; but the deficiency of surplus, and the consequent inability of the company to pay this sum, had not arisen from any cause of war, but entirely from the misconduct of the said marquis Wellesley, who had most profusely, lavishly, and shamefully squandered the property of the company, and neglected those interests which, by engagements the most solemn, he had sworn to promote with vigilance and economy; whereby the said company were not only involved in a debt of several millions to the government, but debts also, to the amount of many millions, had been incurred in India, at an increasing interest of 6, 8, 10, and 12 per cent. The result of which was, that the debt of the company, which, on the accession of marquis Wellesley to the Indian government in 1798, stood at 11,033,648*l.* was, on his departure from that government in 1805, increased to above 31,000,000*l.* That when marquis Wellesley first arrived in India, every part of the company's affairs wore an aspect of prosperity: it had, therefore, only remained for him to have acted with an ordinary vigilance, and to have followed the example and the system of his predecessor. Instead of which, the said marquis Wellesley, by wantonly and profusely increasing the public expenditure, did not only squander all the ordinary means in his hand, but all the additional money he was able to raise by loans and additional taxes, supporting a wanton and profuse style of living, unparalleled in the case of any former chief governor of that country, insomuch that he was driven by his extravagance to attempt the selling of the imposts upon the lands of Bengal, and he so much embarrassed the finances and affairs of the company, as to endanger the loss of their territory. The statement next proceeded to recapitulate the contents of the letter received by the court of directors from the marquis Cornwallis, dated in August 1805, when sent out to India for the purpose of superseding marquis Wellesley, in which he gives a deplorable statement of the company's affairs, arising entirely from the profuseness of his predecessor in squandering the resources of the company, one branch of which was his keeping up unnecessarily an army of irregular troops at an enormous expense, which the marquis Cornwallis found it absolutely necessary to disband, in order to avoid losing the means of defraying the charges indispensable for the maintenance of the regular army. The noble marquis, in disbanding those troops, stated, that he adopted the measure unavoidably, as the lesser evil, at the risk, certainly, of their engaging in other service inimical to the company, but considering them much less formidable to meet in the field, than to retain them in pay, at an expence which must absorb the means of paying the regular army; that in order to clear the arrears of pay due to those irregulars, he had been under the absolute necessity of detaining the treasure of the company destined for the China trade, to the amount of 250,000*l*. Having gone through many other items on the letter of marquis Cornwallis, already before the public, the statement next alluded to the war which broke out in the month of March 1799, with Tippoo Sultan, which ended with the taking of Seringapatam and the death of that tyrant; that the consequence of that war was, that enormous sums of money were extorted by order of marquis Wellesley from the Nabobs of Oude, Arcot, Ferruckabad, and some others; after which commenced the Mahratta war in 1804, which was terminated in the course of the year; and so far from the expences of those wars being the cause of those embarrassments of the company's affairs already stated, it appeared, from letters of lord Wellesley himself to the court of directors, that, by the treaty of Hyderabad, the annual revenues in the provinces that then became tributary increased their income above 544,000*l*. a year, and therefore that any argument founded upon the pretence of warlike expenses could not, as would appear from marquis Wellesley's own letter, dated the 1st September, 1803, interfere with the causes of the inability of the company to pay their annual engagements to the state. That except the wars before mentioned, the said marquis Wellesley was engaged in no other war during the period of his government, except that with Holkar, if war it could be called, and except that with the Rajah of Bhurtpore, in which the only loss sustained was the loss of lives and of honour. That therefore, not wars, but the unexampled prodigality and wanton profusion of the marquis, were the true causes of the embarrassment of the company's affairs; a profusion and extravagance engaged in with the most sinister, vicious, and corrupt views, and in defiance of the authority, and in contempt of the orders of his employers. The embarrassment partly arose from new-modelling the criminal courts of Bengal; from increasing, wantonly and unnecessarily, the number of their officers, and giving large salaries to his friends and favourites; in the expenditure of an enormous sum for the establishment of packets, and granting large salaries and sinecures to his followers, (amongst which was the grant of 1500*l*. a year to sir William Burroughs,) amounting altogether to the sum of 1,300,000*l*.; the erection of a college at Fort William, without the authority of the company, which cost 181,689*l*.; an unnecessary journey of the noble marquis, in 1801, to the upper provinces, in which the most extravagant expenditure took place, one item of which was for 1100 boats, and the whole charge 30,000*l*. There was a charge also of 220,000*l*. for the erecting and fitting up a palace for the residence of the marquis, which was decorated in a style of splendour unparalleled even among Eastern princes. There was a charge for a house and garden for the noble marquis at Bhurtpore, 15,000*l*. Besides all this, there was a charge for reviving a body guard of cavalry, which had been put down by sir John Shore, who, on a principle of economy, was satisfied to be attended on state occasions by a party of the garrisons commanded by a captain; but marquis Wellesley resolved to revive this body, and to increase his own splendour; and it was maintained, for the first five years, at an annual expense of 40,800*l*.; and for the whole period, including for horses, accoutrements, and outfit, the sum of 240,000*l*. There was also a large sum advanced by the marquis for building a town-house for the citizens of Calcutta, the cost of which was afterwards to be reimbursed by them in such subscriptions as could be obtained within four years; a statue of lord Cornwallis was designed to be erected in the town-house, instead of which it was thrown amongst the rubbish, in the vaults under the building, and an expensive statue of lord Wellesley erected in its place, and this at a time when an arrear of five months pay was due to the troops. The next charge against him was, the appointment of his brother, the honourable Henry Wellesley, in 1801, to the government of Oude, with the title of governor and commander in chief, and at an expence, in thirteen months, of above 26,000*l*. which exceeded the annual allowance of the company to the governor-general. He arbitrarily retained in his own hands, to the exclusion of all authority or interference from the court, to the amount of 628,206*l*. per annum, and under the influence which such a patronage enabled him to exert, he procured addresses from every part of the country, in approbation of his justice, conduct, and services; and further, although the trade laws of the country strictly forbade him to accept any money from the people of the country, in consideration of his official authority, yet he received for the luxuries of the table, and other purposes of his own private gratification, no less a sum than 120,000*l*.; and while he was thus misapplying such enormous sums of the company's property to the most corrupt and profligate purposes, and for the maintenance of his household and establishment in the mostgorgeous stye of splendour and profusion, he was supporting those extravagancies by loans borrowed in the name of the company, nominally at an interest of 12*l*. per cent. but, from the manner in which they were raised, at a real interest of 16*l*. per cent. Throughout he had set at nought the authority of his employers, and acted in direct opposition to his instructions. Mr. Paull concluded his statement by saying, he had read it as part of his speech, and should now move that it be ordered to lie on the table.

The *Speaker* observed, that he apprehended that could be no question. From the journals of the house, and from other information that he had received, he found that there had not been many instances of impeachment in this form; that he did not find that there had ever arisen a question on the right of a member to put in articles of charge, and have them read. Here, however, the right of an individual ended, and there had always been some motion made, on which the house had an opportunity of expressing their sense. Various modes had been adopted for this purpose. Sometimes by proposing to call witnesses to establish the charges; and in other, and latter cases, by proposing that the house should take them into consideration. On the whole, the house would judge of the importance of preserving to individual members, the right of presenting articles of this description, and of preserving to themselves as a body, the right of deciding whether or not they should be entertained.

Mr. *Paull*, agreeably to this suggestion, moved, and the title of the charge was shortly read by the clerk. He then moved that the charge be taken into consideration, with a view to appoint a future day for that purpose.

The *Speaker*, in addition to his former remarks, stated, that in modern times there was still another mode of procedure, which was to print the charges, and refer them to a committee of the whole house. It was competent to the hon. gent. to move, that this charge be printed, and then taken into consideration.

Mr. *Paull*, in compliance with this intimation, moved that the charge be printed, which was ordered; and also expressed his intention on some future day, probably in the course of the present week, to introduce other charges against marquis Wellesley; and when a sufficient time had been given to allow the members to understand them as well as he did himself, to proceed. He meant to follow the same course with the charge which related to lord Wellesley's conduct to the nabob of Furuckabad as in the present, namely, to print it, and on some future day to move, that it be taken into consideration.

The *Speaker*, as the hon. gent. had submitted no question to the house, felt it his duty to call the attention of the house to the former proceedings on similar subjects, which prescribed some motion either of adoption or of rejection. If the hon. gent. was unwilling to propose any such motion, it was open to any other member to do so.

Mr. *Paull* said, that he had produced a charge, which he conceived would be amply supported by documents that could be furnished by the court of directors. He did not pretend to such a knowledge of the journals of the house as to enable him exactly to say what was the preferable mode of proceeding. He should move, however, that the charge be taken into further consideration this day three weeks.

The *Speaker* enquired, who seconded the motion? After a considerable pause,

Mr. *Paull* observed, that he could only say, if the noble lord to whom he had before alluded (lord Folkestone) had been in the house, he should not have wanted a seconder.—Another pause took place, when sir W. Geary rose and seconded the motion.

Mr. Secretary *Fox* observed, that the hon. gent. had laid before the house a serious charge against the marquis Wellesley, but he had not told the house what were the documents to be adduced in support of that charge, nor when they were to be laid before the house; besides, he had given notice of his intention to bring forward two other charges. He understood the hon. member really had no documents, though he had proposed a day for discussion; but if, when that day should come, the hon. member should not then be provided with any documents in support of his charges, he trusted the house would not allow of farther delay. He acknowledged that it was the right of every member to produce any charge in that house; but if the member producing it, should name a day to take it into consideration, and afterwards not be able to substantiate it by documents, he would find himself in a very unpleasant, and in a very awkward situation. The hon. gent. was to judge for himself. He would recollect that he proceeded at his peril, and if he had at present no documents to support his charge, he should lose no time in moving for them, as without them, he would stand in the place of a person bringing forward a charge without any documents to substantiate it.

Mr. *Paull* said, it did not remain with him to enforce the production of the necessary documents: he had a list of them in his hand, and should move for them this night; but if they should not be forthcoming on the day he had named, he should hope the house would indulge him by deferring the discussion until the papers should be produced.

Mr. *Lee* thought the hon. gent. had not proceeded in this case as he had professed, by adopting the precedent laid down by Mr. Burke, in the case of Mr. Hastings; for that gentleman had not brought forward his charges, until he had previously moved for the documents upon which they were to be supported, and those documents were actually laid upon the table. The precedents were precisely the same in the nineteen cases which had occurred since the Revolution; and if these charges were entertained, without the documents being laid on the table, the marquis Wellesley would have just ground to charge the house with having dispensed with its usual forms, in receiving articles of impeachment against him. Here was a charge of wasteful expenditure of the money of the East-India Co. If the company felt that charge to be just, why did they not bring it forward? They were in possession of all the evidence, and were best acquainted with the nature of the case. The house ought now to have as much evidence as a Grand Jury should have before it found a bill.

Mr. Secretary *Fox* said, if he had conceived that naming a day was countenancing the charge, he would by no means have supported it, but he had thought this a mere matter of form. There certainly was much good sense in what had fallen from the hon. member who last spoke: but if he was inclined to suppose that the house would be put in possession of some documents on the subject, he should have no objection to adjourn the debate till this day week; and if they should not be then forthcoming, the house would decide what further proceedings it would then be right to take. He moved accordingly.

The *Speaker* could see no objection in point of form to this motion.

Mr. *Rose*, though he thought the last motion less objectionable than the former, yet, as he really thought the charges had been brought forward without any evidence whatever to support them, and that the voluminous papers with which the hon. gent. had been day after day indulged, which covered the table, and had been printed at an expence of not less than 8 or 10,000*l.* to the public, had been merely sought by the hon. gent. with a view to search for evidence, but in vain, he was of opinion it would be taking too much notice of the charges, thus unsupported, to entertain them at all.

Sir *W. Geary* declared that his object in seconding the motion, was not because he was convinced of the guilt of the noble marquis. When, however, he saw charges of so grave a nature brought forward, he thought it due to the dignity of the house that an opportunity of proving such charges, if well founded, should not be denied.

Mr. *Paull* pledged himself to adduce documents to prove every tittle of the charges he had brought forward. He complained, that he met much difficulty and interruption in being able to procure the necessary documents; and he alluded to an hon. gent. (Mr. Golding), who had said he would move for papers, that would refute every tittle of the charges he (Mr. P.) was to bring forward this day, though the particulars of these charges were not disclosed by him.

Mr. *Golding* said, that he was convinced, from finding the charges so vague, futile, and indefinite, that the hon. gent. had only moved for the numerous documents already produced, with a view to fish out something to be produced against the noble marquis.

Mr. *Robert Thornton* said, the court to which he had the honour to belong having been so particularly alluded to, and seeming so much interested in the question, he might not seem to discharge his duty if he did not say a few words on the subject, while he, at the same time, expressed his own feelings. He felt regret at the situation into which the hon. gent. had brought himself, the house, and the court of directors. He lamented the hon. gent. had gone so far. He had not the honour of being acquainted with him till he had come forward in his present character, but he thought the spirit and manliness displayed by the hon. gent. throughout, did him the highest credit. Though he stopt short of the hon. gent., he thought he had well-grounded cause of complaint, and that there was much truth in the generality of his charges. He thought, however, that the hon. gentleman's was not a happy mode of proceeding, and that enquiry was the proper mode. If he had followed that mode, he (Mr. T.) should have voted with him. It was not for him to dictate to the hon. gent., but he only stated his opinion thus far, that the hon. gent. might not expect greater support from him than he was to receive. He thought justice to the hon. gent. required that he should be warned that there might be many others from whom he might have looked for support, who would not be inclined to go the length he wished. He (Mr. T.) did think that marquis Wellesley had been guilty of a wasteful expenditure of the company's money; that he had committed many errors, and violated the law in several instances; but he was apprehensive that the mode of accusation resorted to by the hon. gent. would only have the effect of bringing the marquis off, and holding him up to the world as a man that had been unjustly attacked. The hon. gent. had been accused of not having produced documents to support the charge. He certainly had been hasty, had not consulted his friends sufficiently, and had relied too much on himself. This, however, he must say in justice to him, that if the house had given him the paper which was yesterday moved for, he would have been in no want of documents. He (Mr. T.) knew many of the statements of figures given by the hon. gent. in the charge presented by him this night, to be correct, and to be contained in that document. Such document he had at that moment in his pocket, and such were taken from that official letter. This he said in vindication of the hon. gent. He regretted the situation in which they were placed. He said so, both in justice to the hon. gent. and to himself. If he could withdraw his motion, he thought it would carry a stronger censure against the noble marquis, than any thing that could follow under his charge would import. Impeachment was a step much stronger than any thing which he was prepared to think the conduct of the marquis Wellesley, improper as he esteemed it, could warrant him in adopting.

Lord *Temple* agreed with the hon. director (Mr. Thornton), that the hon. mover had displayed considerable manliness in the perseverance he had shewn in this business, and he hoped that the same manliness would induce him to retract his accusations when he should perceive them to be ill founded. It appeared to him an extraordinary course, that the house should be first called upon to adopt the charge, and then to vote for the papers upon which that charge should be founded. From this embarrassment he felt relieved by the motion which had been made by his right hon. friend (Mr. Fox). As to this paper which was called a charge, he thought it was paying too high a compliment to it, to entertain it at all. Although it was competent to every member, to bring a charge of this nature against whom he might think proper, yet, there was something in the manner of bringing forward the present charge, which appeared to him neither fair nor candid. In the first place, no notice was given of it to the noble person who was the object of it, and who felt much more for his character, than his life; nor was any previous notice given to his friends or near relations in that house. He was convinced however, that the hon. gent. himself could not be more anxious than they were, that since the charge was made, the subject should be fully and fairly investigated; he was convinced, that the character of the noble marquis could well stand the test of examination: he, therefore, instead of avoiding the discussion of the general question, wished that the time might come when the character and conduct of lord Wellesley should be fully before the house.

Sir *Arthur Wellesley*, though he did not rise to object to the motion before the house, could not help saying a few words upon the manner in which the noble marquis, who was the object of the charge, had been frequently held up as a public delinquent. The house would recollect how often that noble marquis had been thanked by the house and the court of directors, for those measures, many of which were now brought forward as matters of charge. The hon. gent. had not laid any ground for his charge, much less had he produced any evidence to support it. The service, in which he had himself been employed, enabled him to speak to some of the facts contained in the charge. He could say, therefore, that there was no foundation for several of them. Some of the facts were misrepresented, and otherwise wholly destitute of any foundation. The hon. director had said, that he had in his pocket a paper which would prove many of them. If so, why did he not move for the production of that paper? If the hon. gent. had really any such paper in his pocket, and could produce it, he was ready to meet it. The hon. director had stated, that the letter which had been moved for last night, contained proofs of many of the hon. gent.'s statements, but this he begged to dispute. That letter contained no such proofs. It might contain references to documents relating to the allegations in the charge, but that would not amount to a proof. He confessed that he could easily conceive, the delicacy of the situation into which the house had been brought by the course that had been adopted by the hon. gent. He could conceive, that it might be a question with the house, whether in justice it could receive a charge without any proof being offered in support of it. He felt it also due to justice, that some enquiry should be made. On this ground it was, that he supported the motion of the right. hon. secretary. He did not wish to press the house to any precipitate judgment, but he hoped they would consider the feelings of his noble relative, and come to such decision, as would lead to a speedy and full discussion of the whole case.

Mr. *I. H. Browne* thought, that it would be treating the charge with too much respect to adjourn the debate. It ought not to be entertained, nor the present debate adjourned, because no competent ground had been laid for such a proceeding, and no evidence whatever had been produced. He thought that an accusation of so serious a nature should not be countenanced on such grounds against such a great and glorious character, who had carried the renown of this country farther than any other individual alive. He was prepared to meet the motion with a direct negative. This would not preclude future enquiry. He should not say whether the result of that enquiry would be to criminate or exculpate the noble marquis.

Mr. *Rose* desired to know whether it was a matter of course that the charge should be entered on the journals, if the present motion should be agreed to.

The *Speaker* replied in the affirmative.

Mr. *Rose* then suggested to the house, that it would be right to consider how far it would be fair, with respect to marquis Wellesley, to have a libel, without any evidence adduced in support of it, put on the journals of the house, which would be the case, if they were to give countenance to the charge by adjourning the present debate to a future day.

Mr. *R. Thornton*, in explanation, said, that the paper which he had in his pocket, was, like the statement of figures in the charge, copied from the documents which were in the India house.

Mr. *Garrow*, in his maiden speech, said he felt no small degree of alarm for the situation the house was placed in, in point of precedent. He considered, that the proposal of adjourning the debate, proceeded only from the great candour of the right hon. secretary of state (Mr. Fox), but that it would be setting a dangerous and alarming precedent to agree to that course. Without meaning to make any imputation on the hon. gent. who brought forward the present charge, he should consider it as an improper practice, if a gent. should be permitted to come down to the house, with charges of the severest nature, and after stating that he had consulted with nobody, and listened to no advice, to read as part of his speech a charge of the great length of the present, which must necessarily be printed, and which might produce a considerable impression before it would be possible to answer it. In the present case there was not a man in the house who could point out a single document on the table which contained one syllable of evidence in support of the charge. He knew it was competent to every member of that house to bring forward charges in the nature of impeachment, but, as the right hon. secretary of state had well expressed it, whoever brought forward such accusations, did it at his peril. The accuser certainly did come forward at considerable peril, and at the risk of his own character. When a man had long filled one of the most important offices in the state, he should not on light grounds be made the subject of a motion of impeachment; and yet the present charge was not only brought forward without evidence to support it, but even it was a considerable time before a member could be found to second the motion; and that member had expressly declared his disapprobation of the manner in which the charge had been brought forward. It appeared to him, that, in seconding the motion, the hon. baronet (sir W. Geary) paid a higher compliment to his charity than to his discretion. He should have thought it quite as well, if that charge, which came into the house like a foundling, and which was so long before it found any body willing to adopt it, had been disowned by every body, and had been left with its real father, without the benefit of finding a parent by adoption. If the hon. baronet had not adopted it, the charge might have died for the present, but could have been brought forward again, when the hon. mover had found out documents to support it; he was more confirmed in his opinion, when he recollected what had fallen from an hon. director; but if the hon. gent. chose to be hasty, to consult nobody, and to bring forward his charge without evidence, it would be no hardship to require him to be better prepared. The hon. director (Mr. Thornton) had stated, that if the paper had been granted the preceding night, there would have been some evidence; but it should be recollected, that, although of those who wished for the production of that paper, no two agreed in the object for which they wished it, yet all had agreed in disclaiming the idea of its being produced as evidence on this charge. The hon. mover had excused himself from bringing forward the charge hastily and prematurely. [Mr. Paull rose to order, but, being asked by the Speaker to state what he complained of as disorderly, was silent]. Mr. Garrow then continued, and said, that he could not exactly say, as the hon. gent. could, that he was not in the habits of speaking, yet not being in the habits of speaking in that assembly, he was afraid he might be as little acquainted as he was with the points of order. He had, indeed, not intended to speak that night, and had made a sort of league and covenant with himself to remain silent. As to the paper that was spoken of, it could never be brought as a document against lord Wellesley. It was not any order or instruction to him, but it was merely a written opinion given by the gentlemen sitting in Leadenhall-street, but which opinion never reached India. An *ex post facto* opinion of this sort, could never be brought to substantiate a criminal charge against the noble marquis. It might appear extraordinary, that, when the friends and relations of the noble marquis wished for the enquiry, he, who had not the honour of being acquainted with him, opposed the adjournment. It was for the sake of precedent that he opposed it; it was because he thought the house should not suffer the valuable privilege of impeachment to be in any case, or even for a short time, the instrument of calumny. Besides the danger of the precedent, he considered the adjourning the debate would take up the time of parliament unnecessarily.

Sir *J. Wrottesley* was inclined to support the motion for adjourning the debate. As to the hon. mover, although, perhaps, he had not shewn sufficient discretion, he had certainly evinced a manliness of mind in the prosecution of this business; whereas, there was another body of men, whose conduct excited no other sentiment in his mind than disgust. The court of directors had been chosen by the proprietors in a manner somewhat similar to that in which the members of that house had been returned by their constituents. How had they performed their duty? An hon. director had asserted, that the figures were rightly stated by the hon. mover, and agreed with him, that marquis Wellesley had wasted the public money, and violated the law. Why then, did not he, or some of his brother directors, come forward to impeach him? Was there ever such a dereliction of public duty? Since the hon. director had made that speech, he thought it was impossible to drop the question. It must be taken up either by the court of directors or by somebody else.

Mr. *Sheridan* said, he had given his best attention to every thing that had been said on the present question, and was ready to admit, that the house was involved in some embarrassment by the course of proceeding that had been pursued. But he did not think the difficulty of their situation so great as had been represented; or such, from which, with due attention, they might not extricate themselves. He could not, therefore, agree with his learned friend, who had that night, for the first time, delivered his sentiments to the house, and whom he hoped often to hear taking his part in the discussions in that house, as to the alarming consequences of the present proceeding. His learned friend had apprised them of the danger he apprehended, but had neglected to point out any means by which that danger might be avoided: and as his learned friend said, that he had at first made a league and covenant with himself not to speak upon this question, he believed it would have been quite as well if he had kept to his league and covenant. An hon. director had said, that the paper moved for yesterday would have supported the allegations. If that paper could not be had, the documents to which it referred might easily be had. It appeared to him a very extraordinary circumstance respecting this paper, that being dated the 5th of April 1805, it should refer to the transactions of the years 1801-2-3, and censure almost every part of lord Wellesley's conduct in the administration of his government. It would have appeared, that what they disapproved of so violently, they might have censured sooner. Whoever brought forward a charge of this nature, certainly did so at infinite peril. He might even in some cases draw upon himself the reprobation of the house. If the house were to consider itself in the nature of a grand jury upon the present question, he should say, arguing from analogy, that it would be an extraordinary thing for a grand jury to find the bill in the first place, and ask for the evidence afterwards. And yet it was in this way, that the house had been called upon to act in the present instance. They were desired first to adopt the charge, and then see whether any document could be brought forward in support of it. What he considered the greatest danger was, that if the charge should be so far hastily adopted, as to be ordered to be printed, it might injure the character of the noble lord materially, before any possibility was afforded of removing the impression that such publication might make. It was not so much from the entry on the journals, that he thought the noble lord likely to suffer, because, in a few months there might also be an entry of his lordship's exculpation from that charge, but, in the mean time, a great deal of mischief might be done by the charge being printed and published through the means of newspapers and other ways. [Here the Speaker informed the right hon. member, that the charge must be entered in the Votes, and printed for the use of the members]. The hon. gent. then concluded, by recommending both motions to be withdrawn. He wished that his right hon. friend (Mr. Fox) would withdraw his motion for adjourning the debate, and that the hon. mover would also withdraw his original motion.

Mr. *Grant* said, he felt it necessary to offer a few words in answer to an hon. baronet (sir J. Wrottesley), and to a right hon. gent. opposite (Mr. Sheridan), who had censured the court of directors because they had not come forward to impeach marquis Wellesley. He had spoken, he said, to this point on a former occasion. He trusted the court of directors, as well as every other class of his majesty's subjects, had a right to exercise their own judgment, and to take that course which duty and propriety appeared to them to point out. Those of the directors who were members of that house, discharged their duty individually as such, but had no right to bring the India company before parliament. That company, by their executive body the directors, had taken the way the law prescribed to them to deliver their opinion on the measures of lord Wellesley, which was, by stating those opinions in the draft of a letter, addressed to the Bengal government, and sent to the board of commissioners for their concurrence. The right hon. gent. (Mr. Sheridan) was mistaken in supposing the only object of that letter, written in 1805, to have been a censure on lord Wellesley, for transactions which passed in 1802. That object also, when circumstances should be explained, would appear fully justified; but there was another and a general object of a prospective nature. The court of directors thought that the constitution, appointed by law for British India, had been, in many respects, violated under the administration of lord Wellesley, and they deemed it necessary, when a change of the governor-general was about to take place, to assert and recall the true principles of the constitution, so that no acts by which it had been infringed, should seem to have the sanction of tolerance or prescription. This was a general and strong reason for the framing of the letter which they had written; and in this view they held the measure of writing that letter to be their indispensable duty, and of very great importance. But it did not follow, that because they disapproved of the conduct of marquis Wellesley, or of any other governor, that therefore they must come forward to that house with an impeachment. If this was to be their course, even upon every occasion of grave disapprobation, they might, perhaps, occupy the attention of that house and their own, in a way incompatible with the due transaction of the many other affairs in which they were necessarily engaged. This was not the way for the company usually to take, and gentlemen who contended for it did not know enough of the subject. The court had other means of redress within their power; they might recall a governor, and impeachment was the last resort. He, therefore, deprecated these imputations against the company, or their executive body. He trusted that if their conduct were fairly examined, they would be found to have done their duty. With respect to the measures now in progress, he thought it would be proper in him, as occasions arose, to state his opinion. He certainly judged enquiry to be necessary, but did not, under all the circumstances he had before stated, deem it adviseable to proceed to impeachment.

Mr. *Wellesley Pole* rose for the purpose of expressing the joy he felt that the charge had been at length brought forward; he rejoiced that they had got the hon. gent. (Mr. Paull) in a tangible shape, after 10 months of shifting and turning. He had been accustomed always to look up to his noble relation as a man, the whole of whose life was devoted to honour, and the greatest part of it spent in the service of his country. It was, therefore, with surprise, and with acute sufferings, that he witnessed the hon. mover (Mr. Paull), on the second day that he set his foot in that house, declare his intention of coming forward as the accuser of the marquis Wellesley. As his connection with that noble lord had been the pride and happiness of his life for the last 40 years, that declaration gave him considerable pain in the first instance; he, however, now, after nearly 12 months had been spent in moving for papers, and speaking of the noble lord as a criminal, was glad to find that the charge was brought, and that they had got the hon. mover in a tangible shape. As the right hon. gent. (Mr. Fox) had said, a very heavy responsibility rested on the person who brought such charges. If there should turn out to be any thing in the conduct of his noble relation which would justify the charges, he was sure that right hon. gent. would be the last to screen him; but should the charge turn out, as, he trusted it would do, to be altogether without foundation, then that right hon. gent. would be the first to reprobate it. He had himself been long in the habit of admiring the ingenuity of the court of directors, in their candour to the noble marquis. One hon. director, who confessed that it was his opinion that marquis Wellesley had wasted the public money and violated the law, still said he did not wish to impeach him. And why? because if he were impeached and acquitted, his character would be freed from the imputation. The hon. directors, however, in their mercy, seemed to think that it was the better way to stigmatise his character, without giving him the chance of acquittal or explanation. What would be said if, instead of marquis Wellesley, it should be said of the meanest subject of this country, that the only reason for not bringing him to his trial was the fear that he should be acquitted by his peers? Although that letter was not granted the preceding day, he hoped the time would come when it would be laid before the house. In the mean time, he would observe, that the manner it had got into circulation was somewhat remarkable. He was given to understand that four clerks had been employed in copying out this paper at Mr. Budd's, in Pall-Mall. The hon. mover had contrived to get a copy from the East-India directors, and had got it printed and circulated exclusively among his own friends. The India directors shewed their ingenuity in calculation, when they sent that opinion to the board of controul. They knew that as lord Wellesley was on the point of quitting India, he would never receive it, and consequently would have no opportunity of replying to it. In that opinion they found fault with almost every transaction of lord Wellesley's government, from the year 1798, to the year 1804. Among the things they disapproved of was the expence of the government-house; and yet the estimate of that shocking government-house was resolved upon not by lord Wellesley particularly, but by the governor-general in council, was transmitted to the court of directors so long ago as the year 1798, and was not then disapproved of. After the long series of transactions so beginning in 1798, the board of directors sent to lord Wellesley, who wished to resign, and requested him to stay in India for another year. And yet the president of that body (Mr. Grant), in that grave and measured tone of voice that gave solemnity to every thing which fell from him, ventured to assert directly, that the horrible business of Oude was not known to the directors when they sent this letter. He should, however, shew, that it was known to them, and even approved of by them, in a letter written by themselves to marquis Wellesley. The hon. gent. then read an extract of a letter, dated September, 1803, from the court of directors, and signed by Messrs. Bosanquet, Robarts, Smith, Parry, R. Thornton, and thirteen directors. In this letter it was stated, "that they had perused with great satisfaction the account of the arrangement made with the nabob vizier of Oude, and that they were glad to find that the revenues of the district ceded were more by 21 lacks of star pagodas than had been estimated; that there was a reasonable expectation of a progressive improvement; and that they therefore approved of the suggestion in the letter, that the revenue should not be calculated for more than 5 years, in order to ascertain the amount at the end of that period," or, in other words, to try whether he could not squeeze something more out of them. The letter also expressed the general satisfaction with which the court of directors had heard of the commercial treaty to be established with the nabob vizier. After such a document under their own hands, it could not be said that they were not perfectly acquainted with the business of Oude, which two years afterwards they were pleased so strongly to condemn. He, with the feelings that he entertained for his noble relative, had no other wish than for a full, free, and fair discussion of the question that had been brought forward, and was glad to think that the time for shifting, turning, and evading the question, was now at an end. He thought the mode proposed by the right hon. gent. was the most likely to bring the question speedily to an issue.

Mr. *Grant* explained. He said he could make great allowances for the hon. gent. in the situation in which he stood. He should avoid personalities, and confine himself to some of the principal charges of the hon. gent. That hon. gent. accused him of saying on a former night, that the Court of Directors had known nothing of the treaty respecting Oude till a short time before their proposed letter of April 1805 was written; whereas the hon. gent. quotes a letter of theirs of September 1803, in which that Treaty is distinctly recognized, and rather favourable opinions expressed of certain arrangements respecting the ceded territories. Now, the fact, Mr. Grant said, which he asserted, and which he still maintained, was, that the court of directors did not know till pretty late in the year 1804, any particulars of the negociations with the Nabob of Oude in 1801, which ended in that treaty. The treaty came home nakedly, without explanation or comment; afterwards public letters upon the revenue business of the districts which had been ceded by that treaty came home, and were answered in the usual routine of business; one of the answers of the court the hon. gent. had quoted; but all this time the court were ignorant of the *means* by which the districts had been acquired. The details of the negociations were sent, after long delay, by lord Wellesley to the Secret Committee; and in the recesses of the secret committee they were locked up till late in the year 1804. Then and then only the court of directors were allowed to see them; and from these details it already appeared, that the cession of the districts had been produced from the Nabob by mere coercion, by absolute compulsion. The court of directors could not sanction what they held to be flagrant injustice; they thought it their duty to remonstrate against it, and this is done in the letter to which the hon. gent. alluded, written early in 1805. The hon. gent., continued Mr. Grant, says concerning this letter, that it was written at a time when the directors were pretty sure it could not reach marquis Wellesley in India, and, therefore, when he could have no opportunity of answering it. But it has been already explained, that there is a continued chain of correspondence between the company and the governments in India: this chain is not broken upon the removal of a governor. The sentiments of the court of directors must still be transmitted upon all important events that pass there to the last moment of any governor's residence—sentiments however which it may be impossible for him to learn during his stay in India. Nay, answers to letters written by the Bengal government in lord Wellesley's time, have gone out since his arrival in England. This is unavoidable in the course of business, and has proceeded from no fear of meeting the discussions of lord Wellesley on any subject. The hon. gent. has further accused the court of Directors, of having written a letter in 1802 to lord Wellesley, desiring him to continue in the government of India, and then of bringing forward, in 1805, censures for acts done before 1802. It is sufficient to say to an accusation otherwise so little conclusive, that by the influence of lord Wellesley's powerful friends in this country, the court were induced in 1802 to ask him to continue one year longer in the government, in order to carry on a plan of retrenchments in expenditure which he was understood to have begun, and soon after the arrival of that letter in India, instead of pursuing that plan of retrenchments, he launched out into those measures of foreign policy and war which have had such unfavourable effects upon the company's affairs. Mr. Grant concluded by saying, the directors were prepared and determined to maintain all they had advanced against marquis Wellesley, and were confident they should be able to substantiate every part of it.

Mr. *Perceval* had no doubt that it was the wish of the house as well as of the relations of marquis Wellesley, that the course they might take should not preclude investigation, but at the same time, he was of opinion with his learned friend (Mr. Garrow), that it would introduce a very improper precedent. He wished to have the question disposed of, but there was some difficulty in extricating the house from the present embarrassment. The best way for this purpose was for the hon. gent. to withdraw his charge, if that could be done consistently with parliamentary forms, and in that case the charge would not appear on the journals till there appeared some sufficient grounds to warrant it. If this could not be done, the only other alternative was for the right hon. secretary to withdraw his amendment, and to negative the original question, which would leave the subject open to the hon. member, at any period he should think himself prepared with sufficient grounds to make good his charges.

Mr. Secretary *Fox* said, he was not obstinately attached to the mode he had recommended, but it yet appeared to him to obviate all the difficulties in the case. It was very singular, that the hon. gent. had moved for volumes of papers, referring to charges he had not made, and yet had not to produce a single authenticated instrument applicable to his present motion.

Mr. *Paull* was surprised at the extraordinary language of an hon. gent. (Mr. W. Pole), who had expressed so much pleasure, that he (Mr. P.) had now appeared in a tangible form. How he was to be disposed of, now he had been discovered in this tangible shape, had not been explained. It was represented that he had moved for papers with the design, not to support a valid charge, but to fish out materials to constitute such an accusation; and he was to be considered culpable for not substantiating his allegations by documents, when he had moved for papers as early as June in the last year, none of which were now produced on the table of the house. He did not come now to support the charge, he designed merely to present the general charge, and to move for the vouchers by which it would be justified; and he was not convinced, that this mode of proceeding was either inefficient or irregular. His sentiments on the misconduct of the noble marquis, were neither new nor peculiar. A noble lord, of the highest reputation, entertained the same opinions; many others of sound discretion, saw matters in the same light; and 29, out of 30, of the East-India directors, had sanctioned his thoughts on the subject. The right hon. secretary of state himself had been at least nearly of the same opinion, as he had approved in the most unqualified manner of a speech of an hon. member below him (Mr. Francis) in 1805, which represented the conduct of lord Wellesley in the same light that he had done. Another right hon. gent. also on the bench below him

(Mr. Sheridan) had represented the transactions of the Carnatic, as of the foulest and most criminal kind, and had declared if government at that time should not adopt some proper proceeding thereon, he should think it his duty to take some steps to expose the criminality of those proceedings. He thought he had a right to call upon those gentlemen to remain faithful to their assertions, and to give him their cordial support in conformity with their declared sentiments.

Mr. *Francis.*—Sir; It is with the utmost reluctance that I now or at any time meddle with this subject. But I am called upon in such terms, as force me, whether I will or no, to take part in the debate. I have not changed or relinquished my opinion on the subject of the Marhatta War, as I delivered it in this house on the 5th of April, 1805, and, since that, to the public. They, who will not consult the record, have no right to question my principles, or to judge of my conduct. I never undertook to impeach lord Wellesley. My purpose, in proceeding as I did, was to do a public service of another kind, which might have been accomplished without an Impeachment. At least I thought so. But it could not be accomplished without a strict examination of his conduct with respect to peace and war in India. In that speech, sir, there is not one word, which I do not believe to be true, and which I am not able to make good. All this was done and concluded too, before I ever saw the hon. gent. (Mr. Paull) or heard his voice, for in fact I heard him, before I saw him, or knew his name. If I understood my right hon. friend near me (Mr. Fox), I think he has mistaken me. I can assure him that I did never say that there was no ground for impeaching lord Wellesley, or that he ought not to be impeached for the Marhatta war. My right hon. friend, who has seen the speech in print, and read it attentively, will not find one word in it to that effect.

Mr. *Huddleston.*—I shall certainly detain the house but for a few seconds from the pleasure it must always receive in hearing the right hon. member (Mr. Sheridan). The speech of my hon. colleague (Mr. Grant) has made it quite unnecessary for me to enter into any defence of the Court of directors against the warm strictures of the hon. gent. opposite (Mr. W. Pole). I honour the feelings shewn by that hon. gent. in the cause of his near relation, and am not surprised they should prevent his feeling at all for those whose duty it has been to animadvert on the conduct of that noble person: but there are two or three points in the speech of the hon. gent. to which I must advert distinctly, as an individual member of that body upon which he and other hon. gentlemen, from motives less apparent, have lavished such unqualified censure. First, with regard to the paragraphs of a letter from the court of directors in the revenue department, which the hon. member has read to the house, I declare upon my honour that to the best of my knowledge and recollection, I never heard of those paragraphs before, nor of any letter having been written by the court, that could be construed into a recognition of the propriety of our possessing ourselves of the territory and revenues in question; and I am persuaded that those directors who signed the letter of which those paragraphs form a part, would not, after reading them, have signed it, if they had known by what means that territory and revenue had been obtained: but, as I have already had occasion to state to the house, the court of directors were not made acquainted with the Oude transactions until two years after; and upon their being made acquainted with them, they lost no time in expressing their disapprobation of them.—Now, sir, with regard to the letter, or proposed letter, which has been so much alluded to, and for the production of which the hon. gent. has seemed to consider the directors as having shewn themselves particularly desirous, I beg to remind the hon. gent. or to inform him if he was not present at the debate here yesterday, that my argument went only to the production of so much of that letter as relates to the treaties with the Nabobs of Oude and Furruckabad, because of the subjects discussed in the letter those only had been to that time brought before the house, and the ground upon which I thought those parts of the letter ought to be laid before the house, was this, that as the house had ordered, without objection or discussion, the production of another document which expressed, under the signatures of the committee of the court of directors, the approbation of those transactions entertained by the board of commissioners; which document had of course made its own impression on the house; there seemed an obvious principle which forbad the withholding another document which expressed the disapprobation entertained of the same transactions by the court of directors. But, sir, respecting the whole of that letter, after what has been said of it, I desire to acknowledge my full share of any censure that may be thought due to it. The ability with which it is written, is far beyond any to which I have the least pretention, but I approved of every part of it, and never gave my assent to any measure, or put my name to any paper with a more perfect consciousness of doing what was right, and what my duty required of me. That it will be answered, and most ably answered, I have no doubt; and if the answer shall disprove or do away the facts, or any of them, which it states, or convince me, that my view of them has been erroneous, and the answer founded upon it unjust, I shall be most ready and happy to acknowledge it. But, sir, I believe there are facts, stubborn and afflicting facts, stated in that letter, which no eloquence can disprove. I have been at all times ready to acknowledge the great merit, and splendid services which distinguished the early part of the marquis Wellesley's career in India, and I felt proportionate regret at seeing the lustre of those services obscured by the system he afterwards pursued. Respecting the procedure before the house, and the dilemma in which we are placed, I always thought that the most proper course for the hon. gent. to pursue, would have been first to place his documents on the table, and then to move for their being referred to a committee for investigation; and, I should yet hope, that we may tread back the steps taken this evening, and the dilemma be got rid of in the mode proposed by the learned gent. below (Mr. Perceval).—There is one point in the hon. gent.'s speech (Mr. W. Pole), which I think must have arisen from his misconception. He laid considerable stress on my hon. friend near me (Mr. R. Thornton) having stated that the letter had been approved by 29 out of 30 directors, as if my hon. friend had included, as directors, those gentlemen who were out by rotation: but this is easily cleared up, by merely stating the fact that the letter was approved in court, and sent up to the board of commissioners in the beginning of April, and after the annual election was laid before the court of directors, again and again approved, so that 29 out of 30 directors had given it their approbation.

Mr. *Sheridan* said, he was not disposed to retract a single syllable of what he had asserted on India affairs. His observations had been solely directed to the Carnatic, and he had not even mentioned the name of marquis Wellesley in the course of them. His charge was not against this foreign resident; it was against the board of control, against the government of Madras, but, above all, against the whole body of the court of directors, who appeared to him to be the principal delinquents. But, said the right hon. gent., I have been called upon in a way I do not approve, as if I were inconsistent in my conduct, and called upon by an hon. gent. (Mr. Francis) from whom I should not have expected it. It would seem as if his intentions were to promote differences among the members of administration at a time when their cordial union and hearty co-operation were necessary to the welfare, if not to the salvation of the country. However indifferent the hon. gent. may appear, if report speak truly, the hon. gent. was inclined to sustain on his own shoulders the whole weight of the concerns of India; or if a favourable pliant moment had been employed to persuade him, he would have gone out to Bengal in a high responsible office. I do not mean to say, that the hon. gent. has acted from pique or disappointment; all his motives, I presume, originate in public spirit, mingled, perhaps, with a little apprehension for my parliamentary consistency; he must, however, leave me to be the protector of my own character, and of my own honour.

Mr. *Francis*.—I am so well pleased to see my right hon. friend once more in his place, that it would be very difficult for him to say any thing to me or of me, that could give me one moment's concern. The facts, to which he alludes, have been much misrepresented to him. The only way to justify the resentment is to overstate the offence. The terms in which I spoke of his absence, were good-humoured and complimentary. No man repines much at a loss, which he does not feel to be important. Respect and value are usually included in regret. But my right hon. friend is mistaken about the fact. I never mentioned the transactions in the Carnatic. I never uttered a word of provocation to him to make good his charge against lord Wellesley. You, sir, and the whole house will bear me witness, that the supposed debts of the Nabob of Arcot, in which lord Wellesley has no concern, was the subject on which I called for his assistance, and that of my hon. friend, the representative of Norwich. With respect to the government of Bengal, and to my disappointment, and all the anecdotes he alludes to, and his own meritorious conduct, it is quite enough for me to say that he is mistaken in his premises; and that, as in fact I have expressed no resentment, he has no right to assert that I am influenced by disappointment. On the principle of his own insinuation, if the fact fails him, I am entitled to the opposite conclusion.

Sir *T. Metcalfe* trusted the house would give him some credit for his silence in the discussions on the rejected draught of a letter, particularly as he had so repeatedly been pointed at for having differed in opinion with the majority of his friends in the direction. The paper in question was laid before the court early in April 1805, and contained every act of lord Wellesley's government that could make against him, in the opinion of the writer of the letter, from the year 1798. He stated, that the house should understand the established rule for carrying on the correspondence between the executive part of the company and the governments in India, is by answering every letter, in the order of its arrival, paragraph by paragraph; and of course the former transactions of the Bengal government must have been decided on, by approval or censure, many years before the letter in question was produced: and as it appeared to him that the hon. member opposite (Mr. Grant) had undertaken an unprecedented task, in raking from the records every thing that could make against the government, without taking notice of any one meritorious act, he felt it his duty to object at the India-house to the directors' entering into any contention with the commissioners on the alterations they had made, because it appeared to him they never had stronger grounds to stand on than in that instance: for in addition to the legal authority they possessed in altering a political dispatch, they had the argument in their favour, that no such procedure had been adopted upon the departure of any former governor-general. And what appeared at the same time extraordinary, they were suffered to make an alteration in a letter purely commercial, which by law they had no authority to do. The hon. baronet (sir J. Wrottesley) was under a mistake in supposing that what fell in the debates from individual directors was to be considered as the opinion of the body at large. The India Co. was not represented in that house, and each gent. spoke his own sentiments as a member of parliament. The hon. accuser of lord Wellesley, who had placed the house in so extraordinary a dilemma, not content with exhibiting a charge against the late governor-general, had introduced a very extraordinary charge against the India Co., by accusing them of violating the act of parliament, which was not nearer the fact than the other most extraordinary assertion, that the company were indebted to the public in the sum of 7 millions. Whereas, instead of the company being in debt to the public, the public are considerably in debt to the company for advances of money made by order of his majesty's government. Sir T. M. could not avoid observing, that the hon. gent. took unwarrantable liberties with the name of the court of directors, who could not in their collective capacity have any knowledge of the hon. gent. beyond having permitted him to go India; and the return he now made for that obligation was to join them in the accusation he had brought forward against the noble marquis. With respect to that nobleman, sir T. M. declared, he had never received, nor expected to receive, the smallest favour at his hands. He had officially examined every act of lord Wellesley's government, and could with truth declare, that having in that examination discovered great talents as a statesman, with unbounded zeal for the interests of the India Co., he felt it his paramount duty to give his feeble support to a much-injured character. With regard to the vote he was to give, he must be decided by the general feeling of the house, as he felt a difficulty in affording any countenance to what appeared to him a frivolous charge, unsupported by any kind of evidence.

Mr. *Grant* said, that the hon. baronet had no right to give him the credit of the letter in question, for that in fact five-sixths of it had been prepared by the officers of the India house from the materials they possessed; neither was the hon. baronet warranted in saying, that only seven or eight of the directors had much concerned themselves about the letter, because the whole court (the hon. baronet excepted) were much interested in it, and many had even called for a stronger measure.

Mr. *H. Addington* suggested that the most regular course would be, for the hon. gent. to move that the motions be for the present withdrawn: and after there was some further information before the house upon the subject, it might be competent to him, or any other hon. member, to move the further consideration of the question on some day subsequent to the production of these documents.

Mr. *Paull* said, this was the very mode which he intended to have pursued, in consequence of what he had heard in the course of that night's debate.—The motions were then ordered to be withdrawn. After which, Mr. Sheridan gave notice, that he would move the house to rescind the order for printing the first charge.

Mr. *Paull* then moved for the production of certain accounts, with a view to shew the comparative amount of the public expenditure in India during the administrations of Mr. Hastings, lord Cornwallis, sir J. Shore, and marquis Wellesley.—The motions were carried unanimously, and the house adjourned.

HOUSE OF LORDS.

Wednesday April 23.

[King's Message relating to Prussia.] Lord *Grenville* moved the order of the day for taking into consideration his majesty's most gracious message. The message being accordingly read, his lordship rose and observed, that after the message which their lordships had heard, it would not be necessary for him to take up much of the time of the house. He was persuaded that there could be but one sentiment among their lordships respecting his majesty's message; he was convinced there could be but one feeling in the country, as to the line of conduct which it was necessary to adopt; and he believed that there could be but one opinion throughout Europe respecting the conduct of Prussia. Had there existed no connection between that power and G. Britain, if his Prussian majesty had not been bound by ties of alliances, of blood, of friendship, and of gratitude, still one might have supposed that his true policy, a sense of his real interest, would have induced him to pursue a course different from that which occasioned the message which had been just read. It was not his intention to enter deeply at present into the particulars of the conduct of the Prussian government; it would be necessary, however, to make some reference to them. The court had been engaged in confidential intercourse with England previous to the battle of Austerlitz; and if any reliance could be placed upon assurances; if any faith could be reposed upon treaties; we had a right to expect that she would be found, not fighting on the side of the enemy, but sustaining the common cause of Europe against France. On the contrary, she acted as if, notwithstanding those assurances and those treaties, she had been leagued with France from the beginning. This was manifested in various instances. Her first open act was to occupy Hanover, under pretence of covering the retreat of the British and allied army, and of securing her own frontier against the danger which might result from the establishment of a French force in the electorate of Hanover. That this occupation was a flagrant outrage and violation of justice, no one could deny, and as such, his majesty could not but feel it deeply. The insult and injury however, affecting him more in his private than in his public capacity, he determined to apply to remonstrance and negotiation, rather than to measures of a more serious character. What was the conduct of Prussia? Their lordships would scarcely believe it, if the facts were not notorious to all Europe. Before time could be given for the first temperate representation, before any explanation was offered or received, she took forcible possession of his majesty's electoral dominions. The country which she occupied a few days before, for the purpose of protecting and guarding against the arms of France, within one fortnight after, she appropriated to herself, as a cession and a conquest made by France. This was the second step in the gradation of the injuries offered to his majesty. There was, however, a third step more general and more injurious in its object and consequences. His Prussian majesty caused it to be notified to the British minister at Berlin, that, in obedience to a requisition from France, he must proceed to exclude the shipping of England not only from Prussia, but from the ports of all the countries within the reach of her controul or influence. It was in this situation we now stood. His majesty could not but feel deep and lasting regret that the acts of Prussia, over which he had no controul, should involve in the calamities of war not only the subjects of Prussia, but those of other countries. Whether any alternative remained to his majesty, it would be for their lordships to determine; to his mind there was none. He could not perceive what other measures than those which had been resorted to, could be taken against a country which was found, either from choice or necessity, to yield to every requisition of the enemy. Such boundless acquiescence did not become any country, and much less a great country like Prussia. It was obvious, that, in point of honour and reputation, she could gain nothing by it; it remained to be proved whether, even in the inferior consideration of interest, she would find herself the better by it. He purposely abstained from making use of strong terms in speaking of the conduct of Prussia. If it could be the object of any one to irritate, to inflame the passions, to make it more difficult to renew hereafter the connection between the two countries, how easy would it be for him to represent the conduct of Prussia in a much stronger light? One observation more remained for him to make, which related to the interest of Prussia herself. This appeared to him to be the kind of reasoning by which she endeavoured to reconcile herself to the strange line of policy she had thought proper to pursue: "I have no hostility against you; France insists upon my ceding to her a part of my dominions: I must indemnify myself somewhere: you are my weaker neighbour, and I will wrest my indemnity from you." What could there be more monstrous, more unjust, more contrary to the principles of the law of nations, than such a proposition? He would allow that cases might occur, in which a country might be obliged to cede part of her territories; but though her interests were affected, still her honour might be preserved. There was no disgrace in being the victim of such a necessity. It was not dishonourable to be obliged to bend to circumstances after an appeal to arms; the dishonour was in not contending against such an event, in yielding without an effort or a struggle. The ground upon which he would move the address to his majesty, which he held in his hand, were these. First, the necessity of evincing that a connection did and ought to exist between England and Germany, and that we felt deeply for her interests. He was also anxious to convince Prussia, that there was not a power in Europe who would exclude British ships from her ports with impunity; and above all, he wished to mark our abhorrence of that abominable principle of one power indemnifying itself at the expence of its weaker neighbour. He would acknowledge also, he had another powerful motive for proposing it, a motive in which he anticipated the perfect concurrence, not only of every noble lord who heard him, but of every man in the country. He was anxious to convince his Majesty that they felt an insult offered to themselves, and that there was no part of his dominions, in the possession of which they were not willing to defend and maintain him. In this loyal and patriotic sentiment he was persuaded every one who heard him would agree. He would trespass no longer upon their lordship's time, but move that the following addresses be presented to his majesty upon his most gracious message. His lordship then read the address, which was an echo of the message. The address having been again read by the lord Chancellor,

Lord *Hawkesbury* rose for the purpose, of expressing his entire and unqualified approbation of the address proposed by the noble lord. After the clear, the temperate, and the dignified manner in which the particulars of the conduct of Prussia were laid before the house, he should consider himself as guilty of an abuse of their lordship's patience, if he were to endeavour to trace the circumstances which had led to the last unfortunate measures of the court of Berlin. He thought it due, however, to his majesty's government, to express his entire approbation of what they had done. The electoral dominions of his majesty were invaded by France, not on account of a German quarrel, but on account of her hatred to this country. They were attacked in violation of existing treaties, which stipulated and provided for the neutrality, as well as for that of the Hanse-towns. Prussia herself, who now said that she accepted Hanover as a conquest of France, was a party to those very treaties. Under these circumstances, looking to the occupation of Hanover in all its bearings, as a violation of positive treaties, as an infraction of the great principles of the public law of Europe, he gave his full concurrence to the address. That Prussia would feel the folly of the system she had embraced, he was confident. That the measures she had adopted against the trade and shipping of G. Britain, would recoil with tenfold force upon the commerce and navigation of Prussia, the experience of a few weeks would demonstrate. He hoped government would be impelled, by this unexpected conduct of Prussia, to cement more strongly that good understanding which had been fortunately established with two great Northern powers, he meant Russia and Sweeden. To the firmness and sincerity of these powers, he was persuaded we might look with confidence and satisfaction, as more than a counterpoise to the defection of Prussia.

Lord *Mulgrave* thought it impossible that any of their lordships could feel more strongly than he did every word of the address; it had his entire approbation. After the complete vassalage of Prussia, he was convinced, that it was impossible to be at war with France, without, at the same time, being engaged in hostility with her. The measures which had been taken, had also his approbation; they were marked with energy and promptitude, and were such as became a great and a just nation. He doubted not the readiness of a government to renew the customary relations with Prussia, as soon as she should evince that she was alive to her own honour and interest. His lordship concluded with expressing his concurrence in the address, and of the measures which had been adopted towards Prussia, from which he saw reason to augur well of the future conduct of government.—The question was then put and carried *nem. diss.*

HOUSE OF COMMONS.

Wednesday, April 23.

[MINUTES.] A new writ was ordered to be issued for Wexford, in the room of lord Loftus, called up to the house of peers as marquis of Ely.—Mr. Giles reported, from the committee of impeachment, that they had inspected the place in the court prepared for the accommodation of the house, and found that there would be sufficient space for the accommodation of 500 members, besides the managers of the impeachment. He then moved a string of resolutions, being those usual in such cases: That the managers do first go out of the house before the other members; that after the Speaker has left the house, the members be called by the clerk, according to their counties: That no member do go out till his county be called: That no person but members do presume to sit in the places appointed for members in Westminster hall: That the serjeant do take all such into custody: For the more convenient passage to the hall, that the constables do attend and keep the same clear. Ordered.—The form of procedure in the cases of dr. Sacheverill and Mr. Hastings, being entered as read, Mr. Giles moved, that the same precedents be observed on the trial of lord Melville. Ordered.—It was also ordered, that no member do cross, pass through, or remain, in the passage to the hall, during the procession to and from the trial: Also, that a note, with the name of the right hon. C. Bathurst, be given to the serjeant at arms, and that he do order him to attend at said trial.

[CONDUCT OF EARL ST. VINCENT.] Mr. *Jeffery* said he did not wish to advert to the long procrastination which had taken place, by means of the printing of papers that had been moved for, in order to repel the charge which it was his intention to bring forward against lord St. Vincent, nor, at this time, to say a word more on the subject. He thought it necessary that a day should now be named for bringing forward the same, and he was desirous of fixing that day, as nearly as possible, according to the wish of the house; and as he would not desire to name an earlier day than it might be supposed a sufficient time would be given for printing the papers already moved for, therefore he, if it would be agreeable to the house, would name the 6th of May, on which day it was his determination positively to bring it forward.

Lord *Howick* was as anxious to avoid delay in this business as any man in the house. No rational motive could be assigned for delay on his part, or on the part of the noble lord's friends in question, but the necessary time that might be required for the production of such papers as were judged necessary for the defence of the noble lord, and the elucidation of such points as the hon. gent. had already thought proper to specify. It was to be wished that such papers should be printed, and put into the hands of members before the discussion should take place. Some of those papers were not yet produced, and a considerable time would be necessary for their printing. If there should be sufficient time for this purpose, before the day fixed on by the hon. gent., he certainly could have no objection that the matter should be finally taken up on that day. But should it appear in the mean time that all the documents could not be before the house previously to that day, he thought it only reasonable that a farther delay should take place. At present he had no objection to the day nominated by the hon. gent.

[KING'S MESSAGE RELATIVE TO PRUSSIA.] Mr. Secretary *Fox* moved the order of the day, for taking into consideration his majesty's message, relative to Prussia, which being read from the chair, the right hon. secretary rose, and spoke as follows: I am sure, sir, that it is impossible that the message we have now heard read, can fail to excite the strongest sensation in every temper and disposition of mind which can exist in this house. In the first place, when we hear it stated that his majesty has abstained from appealing to his British subjects, on account of the violence and injustice which had been done to him in the seizure of his electoral dominions, it is impossible not to feel grateful for that kindness and mildness which his majesty has always shewn to the subjects of this realm. It was with the most extreme reluctance that he could consent to involve them in war upon any ground that was not immediately and directly connected with British interests. After the sentiment of gratitude to his majesty for this tender consideration of his subjects of this kingdom, the next feeling which must be strongly excited by the message, is a feeling of just indignation at the conduct of the court of Prussia. I hope that every member, while he feels this just indignation, will, at the same time perceive the propriety of uniting the most vigorous measures, with a language temperate and moderate, and which does not violate that respect which has been always considered as due to crowned heads, and ought not in the present times to be departed from. Indeed, to describe justly the measures which have been adopted by the court of Prussia against this country, they cannot be called the measures of the king of Prussia; for that sovereign is known to be of a mild and pacific disposition. The measures must be considered such as his Prussian majesty has been induced to adopt from the pernicious councils of the enemies of this country. Had it been my object to condemn, in the strongest terms, the decision of the Prussian cabinet, I might have thought it necessary to lay some additional papers on the table, but that not being my object, I have moved but for few. More would have been unnecessary, as it was not my wish to give the strongest possible colouring to the accusation that the message contains. In order to understand those proceedings which have terminated in an outrage, unprecedented in the history of the worst proceedings of the worst times of Europe, it will be necessary to view the transaction a little earlier. The origin of this proceeding is to be traced to the convention concluded at Vienna, on the 15th of Dec., between Count Haugwitz and the French emperor; but when it is considered what was the situation of Prussia, at the time that its sovereign concluded that treaty with France, it must be recollected, that its means of negotiation were still greater than what it derived from its own sources, or its own armies. The armies of Prussia were undoubtedly numerous and respectable; but was it on them alone that the king of Prussia relied, when he was negotiating with France? Certainly it was not. He had a strong additional support, which gave weight to his negotiations. The emperor of Russia, after he had left Austerlitz, gave the whole direction of the Russian troops, that remained in Germany, to the command of the king of Prussia. This country, too, had promised him a powerful assistance by pecuniary supplies, if he should be driven to a war with France. These were the means he possessed of giving weight to his negotiations! and how did he apply those means? Why, to seize a part of the territories of one of those powers which had been supporting him in that rank and situation which enabled him to conclude his treaty. After this treaty was signed, a considerable difficulty remained in the execution of it; this difficulty proceeded, in a great measure, from the just scruples of the king of Prussia, who perceived that it would be very hard to prevail upon his Britannic Majesty to ratify such a treaty, and who, therefore, felt that his title would be so bad as to make the acquisition of Hanover, under these circumstances, a poor equivalent for those provinces that he was obliged to give up to France. He felt, besides, that, upon no principles of justice, could he pretend to take it on other terms than those which France herself had held it on, and therefore, at first, he did not pretend to take Hanover absolutely, but with the power of restoring it. France, in the mean time, pressed for the cession of Anspach and Bayreuth. What then did the king of Prussia do? Certainly he did not expect that the French government would be able to negotiate between him and his Britannic Majesty, that he should be allowed to retain Hanover; and therefore he finally resolved to seize it without the consent of his majesty, and under the pretence of an equivalent for Anspach, Bayreuth, and those provinces which were ceded to France. It cannot then be said, that this treaty, and the proceedings which followed it, were altogether the effect of fear; for what was the necessity under which his

Prussian majesty was placed? Was it merely the necessity of ceding Anspach and Bayreuth? This might have been a considerable misfortune, yet it was one which might be justified by necessity. But the sort of necessity claimed by the king of Prussia, is different; he says, "Because I have lost Anspach and Bayreuth, I therefore feel myself under the necessity of seizing the dominions of some third power; not only of a third power, but of one that, from all times, and by every circumstance, I am bound to respect." This is the sort of necessity claimed by the Prussian court, and it is this which makes the case of Prussia much worse than that of any other nation in Europe. As for Spain (I do not wish to revive the differences of opinion with respect to the Spanish war) but Spain, I say, would comply no farther with the wishes of our enemies, than by giving a sum of money. Holland, and other powers, have been, from terror, obliged to make cessions of territory to France; but no other power has been compelled, by terror, to commit robberies or spoliations on its neighbours. It is in this that the case of Prussia stands distinguished from that of all other nations. We cannot help looking, with some degree of pity and contempt, on a power that can allege that it is reduced to such a necessity. It would be, in itself, a considerable humiliation or degradation to Prussia, to be obliged to give up those provinces to which it was so much attached, and which had been called, "The cradle of the house of of Brandenburgh." The degradation of this cession was still much increased by the conduct of the people of Anspach, who entreated their sovereign not to abandon them. Instead of lessening the ignominy of the cession, it was a great increase of dishonour, to sell a brave and loyal people for what was called an equivalent: it was an union of every thing that was contemptible in servility, with every thing that was odious in rapacity.—On the 26th of Jan., an official letter was written from baron Hardenberg to Mr. Jackson, expressly stating it to be the intention of his Prussian majesty to take possession of Hanover only until the conclusion of peace between England and France. In the answer to that letter, his majesty expresses his firm reliance on the declaration of his Prussian majesty, but wishes the terms to be more explicit. The language that Prussia held at that time to our court, was the same she then held to Russia, and to every other court with which she was connected by the relations of friendship. Soon after this, the convention with France appeared, and then the court of Prussia wished to represent the measures taken with regard to Hanover, as in a manner dictated by France; they would have it supposed, that it was rather an object of French than of Prussian ambition, that they should be possessed of Hanover. At first, they endeavoured to represent to the government of this country, that it was more for our interest that Hanover should be occupied by Prussian than by French troops; and their argument was this: "If we have it, the ports may be still open to your commerce, or at least your manufactures may have a passage through our territory." This hope was, however, now entirely cut off, and M. de Schulenburgh, in his manifesto, professes to take the country as a present from France, which she had won and held by the right of conquest. No example could be found in all the histories of war, and no mention had ever been made by the writers on the law of nations, of any power having a right to receive as a present, a country occupied during a war by one of the belligerent powers, but not ceded by the other.—The house must therefore see to what extremity we are now reduced. It would be idle to say that a war with Prussia would not be a calamity. It is impossible but that it must be a calamity to this country, to have the number of its enemies increased. It is also a painful consideration to think that there is no mode of returning this calamity on the aggressors which will not, in some degree, fall also on neutrel and friendly nations, and even on ourselves. The house will, however, feel that there are occasions in which a manifestation of our principles and of our resentment become necessary, although attended with the calamities inseparable from war. If such an outrage as this were passed over, might not every other nation in Europe, and particularly those who have less power to resist than Prussia, say to us, "we wish as much as you that the power of France could be restrained, but you see our situation, and the great power of France, to which we are exposed? What are we to do?" If this question were put to me, I should answer, that powers in that situation must save themselves as well as they can, and even make cessions if they are insisted upon. If Prussia should allege, that she was in that state of comparative weakness that she was obliged to cede Anspach and Bayreuth; however his majesty might lament the necessity, or the accession of strength his enemies derived from the acquisition, still he would not have attempted to oppose it, or make the slightest remonstrance on the occasion. But when that power shall say, "I am not only obliged to make cessions, but I am also obliged to make war with you," then the question becomes very different, and his majesty is under the necessity of considering it in a very different light. Although I, for one, am not inclined to look very favourably on the present situation of this country, nor to feel so sanguinely as some other gentlemen, yet I think that, upon the present occasion, we should make a signal example of the court of Prussia; and whatever principles theorists may lay down about restoring the balance of Europe, I think we shall do more to restore the sound and true principles that ought to prevail in Europe by shewing the world, in this instance, that this country will not abandon them herself, nor consent that they shall be departed from by other nations in their transactions with her. I consider that the power of the country consists, in a great measure, in the known justice of its principles, in its moderation and forbearance; but if the court of Berlin chooses to depart from the principles of justice, and to act hostility to this country, it must take the consequence. I believe it has, as yet, gained nothing by its injustice. Hanover, desolated as it was first by French armies, and afterwards, in a still greater degree, by Prussian armies, can add little or nothing to the revenues of Prussia, neither can it, in its present situation, increase her military strength. The king of Prussia has been given a mere nominal possession of that country; but so far from being strengthened by this present from France, he is only the more completely vanquished and subdued. Austria was forced, by the fortune of the war, to cede many of her provinces; other nations have been obliged to make similar cessions; but none of them had, like Prussia, been reduced to that lowest state of degradation, to consent to become the ministers of the injustice and rapacity of a master. By the command of France, Prussia was obliged to shut the ports of Hanover against our ships, and what was the possession which France allowed her to keep of Hanover? She has sent general Barbou to reside in that country, as a military superintendant, to see that every thing be done there according to the pleasure of France. There are many other instances of the manner in which Prussia is now treated by France; in several transactions, respecting the possession of Essen and Werden, and several little villages almost too inconsiderable to name, Prussia is treated with as little respect as she deserves. The French appear constantly to treat Prussia as a country that it is impossible to make a treaty or agreement with; and, in this respect, it is very likely that they are in the right. In our conduct upon this occasion, we shall have avoided a great evil, and done some good; we shall avoid the giving the sanction of this country to the spoliations which have been committed on the Continent; we shall avoid the imputation of being indifferent to the fate of his majesty's foreign possession, which would be a heavy imputation, even if it were supposed that their security was not immediately connected with the interests of this country; but, above all, we shall avoid the giving our sanction to that principle which has been lately adopted, of transferring the subjects of one prince to another, in the way of equivalents, and under the pretext of convenience and mutual accommodation. The wildest schemes that ever were before broached would not go so far to shake the foundations of all established governments as this new practice. If we are to make exchanges, let us exchange those things which are the proper objects of exchange; let us give a field for a field, or let us exchange its stock, its oxen, and its sheep; but let us not consider the people of a country, or the subjects of a state, as matter for exchange or barter. There must be, in every nation, a certain attachment of the people to its form of government, without which no nation can subsist. This principle, then, of transferring the subjects of one prince to another, strike at the foundation of every government, and the existence of every nation. I had, therefore, great pleasure in presenting the note, delivered by me to M. Jacobi, which expressed, that no consideration of convenience or mutual accommodation, much less an equivalent, should ever induce his majesty to forget the exemplary fidelity and attachment of his Hanoverian subjects, or consent to the alienation of the electorate. I do not know that it is necessary to make any further observations; but before I sit down, I must state, that there can be no doubt but that the shutting the ports of Prussia to British vessels is alone most clearly and unquestionably an act of hostility against this country.—Mr. Fox then concluded, by moving an address of thanks to his majesty, which, as usual, was an echo of the message.

Lord *Castlereagh* rose to express his entire and unqualified concurrence in the address moved by the right hon. gent., and his cordial approbation of the sentiments with which it was introduced. From the manly manner in which the government had acted upon this occasion, it was impossible that any candid man could refuse them his praise. They had conducted themselves with a firmness so judicially tempered with conciliation, as to maintain the dignity and resolution which pressingly became them in such a case; and, at the same time, not to shut the door against an opportunity of an amicable adjustment, if the Prussian cabinet were so disposed. The right hon. gent. who opened the motion, had put the argument in favour of this country upon such broad grounds, and sustained the proceeding of his majesty's ministers by reasoning so irresistible, that he felt it unnecessary to add much to what the house had already heard. Indeed, under all the circumstances, he could not see how it was possible for government to have taken a different course. Prussia, in becoming the instrument of France to take hostile measures against this country, to adopt the course of annoying us that France had previously pursued, left to us no other alternative than that which had been taken. The noble lord vindicated the resolution to resent the invasion of Hanover, and expressed his confidence that ministers, in evincing such a solicitude for his majesty's Hanoverian territories, but acted in unison with the feelings of the British people, who must ever participate in the feelings and wishes of their sovereign. As to the arguments used by Prussia, after taking possession of Hanover as a permanent dominion, they appeared to him to be obviously untenable upon any principle of justice. Prussia stated, that France held Hanover by right of conquest, and under that right assumed to dispose of it. But, without any reference to the forcible and outrageous manner in which France originally took possession of Hanover, it was clear that, at the time they undertook to transfer it to Prussia, they did not hold it at all, for they were not in possession of that country, having evacuated the whole of it, with the exception of a single point. And unless the retention of that point (the fortress of Hameln) could be argued to imply a possession of the whole country, it would be absurd to attempt the maintaining, upon any principle of public justice, that the French held Hanover as a conquest at the time of the transfer so justly complained of. Therefore, the main ground of justification upon which Prussia seemed to rely for the validity of this transfer, must fall to the ground. Indeed the declaration of Prussia herself, in January, when she occupied Hanover, professedly, until the conclusion of peace, distinctly supported this argument, and recognized the principle she had asserted. And, upon no pretence whatever, could the unqualified way in which she afterwards acted towards that ill-fated country, be warranted. As to the probable result to Prussia herself of these events, and of the line of policy which she had so long thought proper to pursue, he firmly believed she would very soon find that she was miserably mistaken, that she would much better have consulted her own political security; and sure he was, that she would have better maintained her importance and character, had she acted quite differently—had she given her aid, when that aid might have been effectual, towards restoring the safety of Europe. Still, however, if by any course of conduct Prussia could be released from her present situation, if she could be excited justly to appreciate her own interest, and to feel for her own safety, and if any alliance could be contrived which should induce her to act upon that feeling, it was important that this country should manifest a disposition to afford every possible assistance. Such was the policy which, he trusted, would be pursued; for such, he was convinced, would be for the common interest. In every view of the subject, he was persuaded that the war, to which the address referred, was one of complete justice and absolute necessity; and on these grounds he felt great satisfaction in supporting the motion.—The address was then carried *nem. con.* and was ordered to be presented to his majesty by such members of that house as were of his majesty's privy council.

[Affairs of India.] Mr. *Sheridan* rose, pursuant to notice, to move that the order for printing the charge, presented the preceding day against the marquis Wellesley, be rescinded. It could not, in his mind, or in that of any fair reflecting man, be consistent with justice that a charge against that noble lord, or any other person, should be published to the world, under the authority of that house, merely upon the allegation of guilt, unaccompanied by any proof whatever. He did not wish to throw any impediment in the way of the hon. gent. with whom this charge originated, or to discourage impeachment; but he must observe, that the course pursued by the hon. gent. was the most singular that could be well imagined. This was the opinion which he delivered the preceding day, and he was not disposed to retract it. The hon. gent. had moved for volumes of papers respecting the conduct of lord Wellesley, most part of which had been already laid on the table, many of them delivered to the members in print —those relative to Oude, indeed, were now distributing at the door. Yet the hon. gent. chose to overlook all these papers, and to bring forward the charge before the house, with regard to which not one document was to be found on the table, or was ever moved for. Thus, strange to tell, the hon. gent. passed by the accusations; to substantiate which, he had been so long collecting evidence, and fixed upon one with regard to which he had not yet attempted to adduce any evidence whatever. But the hon. gent. pleaded as an excuse for this, that he was provoked by a noble lord (Temple) and another member, who were perpetually teazing him, as he stated, because he did nothing but move for papers, instead of bringing forward any charge. So far the hon. gent. seemed disposed to deal in a sort of repartee with the members of whom he complained, and therefore proposed a charge, with reference to which he had moved for no papers at all. The right hon. gent. did not mean it to be inferred from the motion he was about to submit, that he was in all cases adverse to the publication of a charge before trial, or that he had that objection to what were called *ex parte* statements, upon which the principle of a bill, lately introduced by a learned serjeant (Best), seemed to rest. On the contrary, he was determined to oppose that bill in every stage of its progress.—Returning to the subject of his motion, the right hon. gent. observed, that it was highly material this charge should be brought to issue as soon as possible. But as that issue was not to be looked for, he felt that nothing should be allowed to go forth from that house accompaniad by the letters and extracts of dispatches from lord Cornwallis and others, of which no previous notice had been given, and which were calculated to prejudice the public mind upon the subject. He understood that several months would elapse before the documents to which the hon. gent. alluded the preceding day, could be prepared and laid before the house. If so, it would not surely be consistent with justice to allow the publication of a paper that must unfairly operate against the accused. An objection was the preceding night started to his motion, on the ground that it was not calculated to produce the effect in view, as the charge under consideration would be published among the votes of the house, which were usually circulated among the members. But that statement he found, upon enquiry, to be erroneous, as this paper would be printed in the journals, which would not, of course be published. The hon. gent. in order to satisfy the house, would ask his right hon. friend near him (Mr. H. Addington), in what time the documents, on which the charge before the house professed to rest, could be got ready? The right hon. gent. concluded by moving "That the order made yesterday, for printing the Article of Charge of High Crimes and Misdemeanours against marquis Wellesley, be discharged.

Mr. *H. Addington* replied, that to prepare the list of papers alluded to, would, he was sorry to say, require a considerable time. This he was enabled to state from his experience respecting other papers of a similar nature; and he was sorry for the delay, because it was highly desirable, that the whole of this case should be disposed of with all convenient expedition. He was sure, that every member must sympathize in the feelings of lord Wellesley, in consequence of such suspence. Wishing, therefore, the speedy decision of the question, he regretted to say that the papers referred to by his right hon. friend could not be prepared in less than 2 or 3 months.

Mr. *Paull* begged to state that the papers which referred to any of the charges he had it in contemplation to bring forward, were not completely before the house. Not one of those with regard to Bhurtpore or Surat were yet on the table, although he moved for them between 3 and 4 months ago. There were other papers, between the production of which, and the order on his motion for them, not less than 10 months had elapsed. These circumstances he mentioned, merely to shew with what justice gentlemen could ascribe any delay to him. The charge which he brought forward the preceding day, evinced, clearly, that he was ready to answer the challenge of those who called for accusations, and he would prove that he could sustain them too, if the papers were granted to him for which he should apply. As soon as those papers should be before the house, he was resolved to follow up his charges; but if, in the course of his progress, he should from inexperience be betrayed into error, he hoped the house would feel that he stood there with but little assistance. As to the error which the right hon. mover alluded to, he had only to say that he acted according to the suggestion of the chair. With regard to the time necessary to prepare the papers connected with the charge before the house, he begged leave to observe, that the right hon. gent. who spoke last was not competent to speak to that point. He, in fact, was not likely to know any thing about them, for they were not in his department. They were all in the department of the directors of the India Company.

The *Speaker*, in consequence of the hon. member having stated that he had taken the course he had adopted from a suggestion from the chair, feeling it necessary to stand right with the house, declared that he had but pointed out the manner in which the hon. member could best accommodate his proceedings to the precedent of Mr. Hastings's case, which he professed to have in view.

Mr. *W. Smith* said, he had no opposition to the motion of his right hon. friend; he thought these charges should not appear before the public, because, as yet, there appeared no evidence to support them; and it was but justice to the character of the noble marquis, to withhold from the public, aspersions upon it, until there was some evidence to support them. Of that noble marquis, said the hon. gent. I know but little, I had a slight acquaintance with him before he left this country. I have had no correspondence with him while abroad; since his return I have not seen him. Of the hon. gent. who prefers these charges I know nothing, but that his name is Paull, and that he sits in this house. With him I never exchanged a word, scarcely a look, yet I must declare I think he is entitled to a different treatment of this house from that of which I have been a witness. I do confess, I think that, as a member of this house, he is entitled to credit for having no other motive than a desire to serve the country by having public justice carried into effect. If this be his motive, I cannot but think that his reception, both in language and manner, was by no means consistent with the duty the house owes to its members. I cannot, however, help being of opinion, that the hon. gent.'s conduct is extremely impolitic and rash. If he has undertaken this business without any assistance, he is more rash than any one I ever knew. But if he has been assisted out of this house, and has been induced to bring this matter forward in the faith of having the same assistance in this house, I think not very highly of the courage of those who supported him in private, but who have now declined to come forward to avow that support in public. I have already said, that he appears to me not only rash, but also a little ignorant of the forms of the house; he has produced a charge in a manner not much to the credit of his experience, any more than to his prudence and discretion; but yet it was rather the business of the house to have led him on with kindness, rather than allow him to be treated in a manner I was very sorry to see. I know I have no right to recur to any particular expressions which fell last night. I wished to have an opportunity of alluding to particular expressions; but without alluding to them I do say, that in my opinion, if any servant of the India Co. who returns from India, supposes that he can fairly and justly charge another servant of the Company with having abused the trust reposed in him, and injured the interests of his employers, it is the duty of this house to give him countenance; he ought to be kindly treated, and not in such a manner as if he were a calumniator. If, on investigation, it shall be proved, that the hon. gent. has brought forward charges which he cannot make good, he will deserve, and no doubt receive, a very severe censure indeed; but till that is shewn, he is entitled to the candid and impartial attention and protection of the house.—The question was then put and carried.

[WITNESSES' DECLARATORY BILL.]

On the motion for the 3rd reading of this bill,

Sir *V. Gibbs* renewed his former objections made to the bill; observing, that in the first place there was no necessity for it, and in the second, that it might produce an effect different from what it was intended to do, as it went much farther than the opinions given by the majority of the judges. In his opinion, instead of removing doubts, it would be introducing new ones.

Mr. *Tyrwhitt* objected to the bill, as there was no practical inconvenience from the present state of the law, and as it originated from a legislative question.

Mr. *Morris* conceived, that if any declaratory bill were necessary, this was the best that could be adopted. The learned gent. then entered into a very long argument, to prove that it was necessary to declare the law; and concluded by calling on the house to support the bill.

Mr. *Perceval* did not see that any ill consequences could arise from the rejection of the bill; on the contrary, he thought it much better that it should be thrown out, as there would be but one uncertainty in the practice of the courts; whereas, if it were passed into a law, there would be many, arising from the different constructions of it.

The *Solicitor General* entered at great length into a statement of the advantages which would arise from the passing of this bill. The law at present, he said, was in an unsettled state, so much so, that it was not considered, by many of the judges themselves, that the opinion of the majority of that learned body, as given in the house of lords, was binding on the minority. A witness at the Old Bailey might be permitted to refuse giving an answer which would convict an offender, because the answer would subject him to a civil action; or, what was still worse, a witness, for the same reason, might refuse to answer a question, the answer to which would acquit a prisoner.

The *Master of the Rolls* stated, that he never recollected any point of law relating to evidence, settled by the legislature, on which account he was inimical to the bill. He did not think an act could be passed which would comprehend every case, and therefore as the courts of law would in time settle their own practice, which could be again altered as necessity required, he thought it much preferable to permit them to do that, than to enact a positive law, which in all cases must be construed according to the letter.

Mr. Secretary *Fox* observed, that every thing which had been urged against this bill, convinced him the more of the necessity of it. The difference of opinion among the judges, was a certain proof, that some remedy should be applied to the evil; and when he considered the arguments of the many learned gentlemen who had expressed their sentiments upon it, he thought the necessity still stronger. The learned gent. who had just sat down, had presided at one time of his life in a criminal court, when he was chief justice of Chester; and he begged leave to ask him, whether he ever had heard the exception taken? The negative opinion he considered the strongest point in favour of it; but from the argument, he was to presume, that no such doubt ever did exist. A noble and learned lord, however, of the upper house (lord Eldon), had expressed very considerable doubts upon the subject; and, if a doubt did exist, the mischief would be without bounds in every part of the judicature of the kingdom, if the bill were not passed. From every consideration which he could possibly give the subject, he thought the bill did not go one tittle beyond the opinion of the judges, and the words of it were perfectly consonant with that opinion, for which reasons he supported the bill. The house then divided, when there appeared; For the third reading of the bill, 51; Against it, 18; Majority, 33.

HOUSE OF LORDS.

Thursday, April 24.

[AMERICAN INTERCOURSE BILL.] Lord *Sheffield* said, that in his opinion the papers now on the table did not sufficiently explain the nature of the bill now before their lordships. He had therefore to move for several others, by which the object of the bill might be more fully and satisfactorily explained. His lordship then proceeded to move for a long string of papers respecting the number and tonnage of the vessels employed in that trade at different periods since 1797.

Lord *Holland* observed, that the object the noble lord had in view might easily be ascertained from the papers already on the table. To prepare and produce the papers would, in his opinion, be only productive of much mischief. The papers, however, were granted; and lord Sheffield gave notice, that he should, on Tuesday next, move that the 2nd reading of the bill be deferred till Monday se'nnight.

[Impeachment of Lord Melville.] Lord *Walsingham* reported from the committee appointed to seach for precedents of proceedings on impeachments, the ceremonial proposed to be observed on the trial of lord Melville, which had been recommended to them for alteration. His lordship having read the report,

The Earl of *Radnor* moved to add to it, in conformity with three precedents of impeachments previous to that of Mr. Hastings, that the peers should remain in their places, and not depart from them during the trial on each day.—A long conversation ensued between lord Auckland, the earl of Radnor, lord Holland, lord Eldon, earl Stanhope, the earl of Westmeath, earl Spencer, the duke of Cumberland, the earl of Darnley, bishop of St. Asaph, and lord Ellenborough. Most of the above peers objected to the proposition, as tending by its strictness, to cause great inconvenience to the peers attending on the trial, whilst, at the same time, there was no doubt at all that that order would be preserved which the solemnity of such an occasion required.

The Earl of *Radnor* conceived that the motion ought to be agreed to, in order to insure that strictness of order which was requisite on a solemn trial by impeachment, but in order to have a public attendance at its discussion, his lordship moved to adjourn the debate till the next day, and that the lords be summoned. On this motion the house divided; Contents 9; Non Contents 15; Majority 6. The report of the committee was then agreed to.

[Insolvent Debtors' Bill.] Lord *Ellenborough* moved for several Accounts of Prisoners confined for debt in the prisons of the Metropolis, at different periods; which were ordered.

The Earl of *Moira* expressed a wish that the 2nd reading of the Insolvent Debtor's bill, which stood for this day might be postponed till Monday se'nnight.

Lord *Holland* declared his readiness to accede to this request, and moved to discharge the order, which was renewed for Monday se'nnight, and the lords ordered to be summoned for that day.

Lord *Eldon* presented three petitions from certain merchants and tradesmen of the cities of London and Westminster, and the Borough of Southwark, praying that the bill might not pass into a law.

Lord *Holland* presented a petition from the debtors confined in the county gaol of Leicester, praying that the bill might pass into a law.

HOUSE OF COMMONS.

Thursday, April 24.

[Minutes] Mr. Glassford took the oaths and his seat for Dunbartonshire, in the room of sir J. Colquhoun, who has accepted the Chiltern Hundreds.—Mr. Fellows moved, that a committee be appointed to enquire into the expediency of repealing so much of the act of the 2d of James I. as related to the making and vending of boots and shoes.—Lord Castlereagh moved for a return of the number of effective men in the army, from the 1st of Jan. 1793, to the 1st of Jan. 1801, the recruits procured in each year, and the bounties given them: 2dly, of the number of men raised for rank, permanent or temporary, during the same period.—Lord Howick presented the estimates of the expences arising from the additional pay ordered by his majesty in council to be given to the officers and seamen of the navy, between the 1st of May, and the 31st of Dec., 1806.—Mr. Paull gave notice, that on Monday he would move for the printing of his first article of impeachment against lord Wellesley.—Ordered, on the motion of Mr. Whitbread, that a message be sent to the Lords, with a list of witnesses to be summoned to attend the trial of lord Melville, and Mr. Whitbread was ordered to bear the message to the Lords. It was afterwards ordered, that a note be given to the serjeant at arms, with the name of the right hon. George Tierney, and orders to serve him with notice to attend at all times the trial of lord Melville.

[Ex-parte Criminal Proceedings.] Mr. Serjeant *Best* rose and addressed the house as follows:—Some time since sir, I obtained leave to bring in a bill to prevent the publication of *ex-parte* evidence against persons accused of felonies and other crimes previous to trial. It appeared to me, at the time, to be a necessary measure; and I must confess, that I am of the same opinion still. That opinion, sir, has since been confirmed by what happened about six years ago, at a trial for murder, before Mr. Justice Grose, at the Old Bailey. From the evidence, the learned judge was induced to direct the jury to acquit the prisoner. They, however, staid out many hours; and on their return, the foreman informed his lordship, that the reason of their delay was, that many of the jury were unable to separate in their minds the evidence, from what they before had read or heard of the circumstances relating to the transaction. This communication was made to me by Mr. Justice Grose himself; and I think is sufficient to justify me for having made the motion. But, sir, as a great number of persons of high station and character, and for whose judgment upon all subjects, I have the greatest respect, seem to think, that this measure might, in some degree, trench upon the liberty of the press, and as no man holds that sacred principle in higher estimation and value than I do, I should be the last to do any thing which might be thought to have a tendency to bring it into danger; and, with those impressions, I wish now to give notice, that it is not my intention to press the measure any farther.

[Customs Duties Bill.] On the motion for the third reading of this bill,

Mr. Alderman *Prinsep* begged leave, without intending to oppose the present bill, to call the attention of his majesty's ministers to the operation of the additional duty on the silk manufacture. Since the year 1787, the duty on silk had been encreasing, and yet no alteration had been made on the draw-backs upon that article. By the present bill, the duty would be raised from 7*s*. 4*d*. on thrown silk, to 12*s*.; and, on the raw material, from 3*s*. to 5*s*. He thought that a draw-back should be allowed in proportion to the encrease of the duty since 1787, as an encouragement to so important a branch of our national fabrics. But as it would be competent to ministers to make a provision to that effect in a subsequent act, he should, in the present instance, be content with calling their attention to the subject.

Mr. *Vansittart* assured the worthy alderman, that there would be no reluctance on the part of government to give every encouragement to that manufacture, if it should appear, after a proper enquiry, that such encouragement was necessary. This, however might be done in a subsequent bill.

Mr. *Barham* expressed his approbation of the liberal and candid manner in which ministers had listened to such representations as had been made to them on these subjects. He hoped that such modifications would be introduced into the duty on sugar, as would make it possible to pay it. He thought that a committee should be appointed to examine the state of the colonies, in many respects, as this at present was not well understood. The late chancellor of the exchequer, who certainly was competent to form an accurate opinion on this subject, had said, that he never could learn the profits of the planters on any average price of sugar. If he found other gentlemen of the same opinion with him, he would, on some future day, propose such a committee as he had adverted to.

Lord *H. Petty* said that certainly, on the part of his majesty's ministers, there must be a disposition to give every sort of attention to this subject, and to listen to every important representation. He agreed that the subject was one of some difficulty, and that an enquiry of one sort or another would be very desirable.

Mr. *Rose* contended, that such an enqiury would be better conducted by the inspector-general than by a committee of the house.

Mr. *Barham* only meant, by proposing a committee, to give assistance to government, and, if there could be a better mode than this, he would have no objection.—After a few words from Mr. Johnstone and Mr. Manning, the bill was read a 3rd time and passed.

HOUSE OF LORDS.

Friday, April 25.

[Minutes.] Lord Ponsonby (late the right hon. W. B. Ponsonby, was introduced with the accustomed formalities, sworn, and took his seat. His lordship's supporters were the earl of Besborough (as lord Ponsonby) and lord Dundas.—The earl of Orford (late baron Walpole) was also introduced, sworn, and took his seat. His lordship's supporters were earls Fitzwilliam and Spencer.

[Impeachment of Lord Melville.] Lord *Eldon* stated to the house, that there appeared to him an error in the report of the committee respecting the ceremonial to be observed on the trial of lord Melville, which it was necessary to correct. It was there stated, that on giving judgment every peer should say, "Guilty" or "Not Guilty,"—"upon my honour;" at the same time, laying his hand upon his breast. He conceived that this was erroneous, inasmuch as the decision on such an occasion must be the vote of the house collectively, and certainly, in case of a verdict of Guilty, it was not giving judgment, as the defendant might move in arrest of judgment, the grounds of which motion would come to be considered by their lordships. The subsequent proceeding of judgment must result from the vote of the house, and be delivered by their speaker. He concluded by giving notice, that he should make a motion on Monday to rectify this error in the report.

The Earl of *Radnor* adverted to the motion which he made the preceding day, and which he still contended ought to have been adopted, respecting the peers sitting in their places on the trial of lord Melville, and not departing therefrom during the trial of each day. His lordship referred to six precedents of trials before the house, in which a similar order had been made; and contended that it ought to be made in this case, in order to ensure that strict decorum which was requisite on so solemn an occasion. Having moved the reading of the first standing order, requiring the peers to sit in their places in the house, as prescribed by act of parliament, he concluded by moving, that so much of the said order as was applicable, should be enforced on the trial of lord Melville.

The *Lord Chancellor* thought the strict enforcement of such an order would frequently be productive of great inconvenience. He had no doubt that their lordships would observe the greatest decorum upon the trial, whilst, at the same time, he conceived himself already under the standing order, with every necessary power to enforce the observance of decorum, whenever there was any deviation from it. He was likewise of opinion, that the present motion had been decided upon, in substance, the preceding day, and therefore ought not now to be entertained in another shape.—The Earl of Westmeath and Lord Auckland also opposed the motion, on the ground of the inconvenience such an order strictly enforced would produce. The latter noble lord said, there were 12 precedents of impeachment, in which such an order had not been made.—Earl Spencer thought it unnecessary, as it seemed to be agreed on all hands that the greatest possible decorum ought to be observed on the trial.—Several other peers briefly delivered their sentiments; and after the earl of Radnor spoke in explanation, the house divided—For the previous question, 37. Against it 10. Majority 27.

[American Intercourse Bill.] Lord *Sheffield* rose to move for several additional papers, which he thought further necessary to the illustration of this important subject. He should therefore first move an humble address to his majesty, requesting instructions might be given that there be laid before the house, a copy of the report of the board of trade, delivered in Feb. 1784, to the privy council.

Lord *Holland* would not object to the production of the paper, but could not help observing it was in consequence of that very report that those measures were taken, which, for three years subsequent to that period, produced the most calamitous consequences in the West-Indies. He could not conceive, besides, that the opinions of the lords of trade in 1784, could, upon this question, be of much use in 1806. He objected also to the practice adopted by the noble lord of moving for papers relating to particular years without moving for those respecting the intermediate years.

Lord *Sheffield* contended, that this and many other papers which he still had to move for, would explain the state of that trade at different periods, and the various opinions that were entertained of its tendency.—After some conversation, the motion was agreed to, and the noble lord proceeded to move for a similar report delivered in Jan. 1791, and for a copy of all the memorials presented at different times since 1801, against suspensions of the navigation laws.

Lord *Auckland* declared, that not one of the papers moved for by the noble lord had the least relation whatever to the object of the bill before the house. The object of that bill, he wished once for all to declare, seemed to be wholly misunderstood by the noble lord. It by no means intended the introduction of any change in the navigation laws; its whole object was to make that lawful which was now unlawful, and to make ministers responsible instead of their subordinate servants. As to the papers, they were so voluminous, that it would employ 60 clerks, for months to prepare them, which would prove a serious derangement to public business, without mentioning the expence attending the production of them. If it was intended to create delay by moving for such volumes; that intention would be frustrated, for he was determined to proceed in the 2d reading of that bill, without waiting for any such papers.

Lord *Sheffield* wished only for an extract; but this was also objected to, unless the noble lord would point out some particular part to be extracted.

Lord *Auckland* took the opportunity of declaring, that he would not consent to postpone the 2d reading of the bill on account of the papers moved for by the noble lord.

Lord *Holland* suggested, whether the noble lord had not better move, amongst other voluminous works, for Anderson's History of Commerce and Postlethwaite's Dictionary.—After some further conversation the motion was negatived.

Lord *Sheffield* then moved for copies of all memorials and petitions presented to the board of trade since 1801, relative to suspensions of the navigation act.

Lord *Auckland* objected also to this motion, as the memorials (there were no petitions) would form several folio volumes, and were of no consequence to the question. Any of the memorialists, who now thought it necessary, might petition the house against the bill.—The motion was negatived.

HOUSE OF COMMONS.

Friday, April 25.

[MINUTES.] Sir J. Anderson brought in a bill to enable the proprietors of the new houses near Temple Bar and Snow Hill, to dispose of them by way of lottery, which was read a first time.—Mr. Manning brought up the report of the committee on the London Dock Improvement bill. The amendments were agreed to, and the bill ordered to be read a 3d time.—On the motion of Mr. W. Keene, it was ordered that there be laid before the house, copies of all applications to the court of directors, for claims on the Nabob of Oude, with the amount thereof, and the decisions thereupon.—Lord H. Petty, in consequence of some informality, felt himself obliged to postpone, for a few days, the motion of which he had given notice, relative to the provision for the family of the late lord Nelson, which he would bring forward, however, at an early opportunity.

[REPEAL OF ADDITIONAL FORCE BILL.] Mr. Secretary *Fox*, when he had, on a former day, moved that the order for the 2d reading of the bill for the repeal of the additional force act be deferred till Monday, had not in his recollection that on Tuesday a business was to come on of as great parliamentary importance as any the executive government could have to be sanctioned by the house, he meant the impeachment of lord Melville, which the house had determined to attend in a body. If the house were to sit in protracted discussion to a late hour on Monday night, it was impossible there could be that full attendance on Tuesday that the dignity of the house, the importance of the occasion, and the respect due to the Speaker required. After Tuesday, the first day of the impeachment, the same full attendance on that business would not be so necessary. He would, therefore, propose Wednesday or Thursday for the 2d reading of the bill.

Mr. *Canning* did not object to the motion; but he hoped the day now to be fixed for the second reading of the bill alluded to, would be adhered to definitively. Without entering into the reasons which were given for deferring the proceeding beyond Monday, every one must allow that this business was also of the most important nature. Various reports and considerations had gone abroad on the subject, embracing the whole military system, which it was extremely important to settle and set at rest as soon as possible.

Mr. Secretary *Fox* acknowledged the importance of the bill; but the force of the grounds for putting it off must be felt by every one—the indisposition of his right hon. friend who originated the bill in the first instance, and the magnitude of the business to come on on Tuesday in the present. He agreed to fix the 2d reading for Wednesday.

[INCREASED PAY OF THE NAVY.] The house having resolved itself into a committee of supply, to which were referred the navy estimates, presented yesterday, respecting the allowance of additional pay to the officers and seamen of the navy,

Lord *Howick* rose and spoke as follows:—I rise, sir, pursuant to notice, to submit to the house a proposition, upon which I am persuaded there can be but one opinion in this house. It must be equally the wish of every Englishman to contribute to the adequate provision and comfort of a class of men who stand so high in universal estimation, as the British navy, and who have claims so peculiarly strong upon the esteem and gratitude of their country. It must, I say, be our wish not only to promote the comforts, but to secure the necessary rewards to that gallant body. Feeling this, I cannot suffer myself to entertain a doubt of unanimous support. But, although I am confident that the principle and justice of the measure I am about to submit will meet the most cordial and liberal concurrence in all quarters, still, lest any exception should be taken as to the expediency of proposing it at the present moment, I think it necessary to state the reasons which have induced me to bring it under your consideration. This statement I feel it right to make, in order that it may not be supposed that I have acted rashly or unadvisedly, or that I have undertaken, without adequate motive or due consideration, to propose any addition to the public burthens. I trust it will appear to every thinking man, that this addition, although considerable, is called for by the most pressing claims of justice and necessity, and that the country cheerfully yields to those calls, from a well deserved attention to the quarters from whence they proceed. An addition to the pay of a certain class of our navy, has long been thought necessary, and that necessity has been frequently urged in vain. I was but a short time in the office which I have the honour to hold, when I found that measures were taking to lay the claims of this class before parliament; information reached me from a variety of channels, that petitions were left at the different ports for signatures, praying an increase of the pay of naval lieutenants, and that it was intended to have such petitions presented to parliament. The copy of these petitions I have seen, and it was, no doubt, couched in terms the most proper and respectful that could be devised; and the object of the petitioners struck me to be unexceptionably fair. But still I had objections to that mode of proceeding. I therefore thought it my duty to discourage it. I however took every means in my power to enquire into the case, well satisfied that if there were any ground of complaint in any part of the navy, parliament would seize the first opportunity to remove it, and the country would be forward to applaud the act. The result of my enquiry has served to convince my mind, that not only the class alluded to, but every other class in the navy, from the superior officers down to the ordinary seamen, labour under disadvantages which ought to be immediately set aside. With this conviction I am of course of opinion, that no measure of relief can be effectual, that in fact, any concession will lose much of its value, if partial in its application; and that the only way of doing substantial justice, and giving general satisfaction, is by raising the rates of allowance to all the classes of the navy. The complaint of the lieutenants, the house will recollect to be by no means new: Some years since application was made in their favour, and the consequence was, an order merely to raise the pay of the lower lieutenants to a level with that of the higher. So far as the arrangement went, it was, no doubt, advantageous, but to only one of the parties, although the complaint was from the whole. That the ground of such a complaint should be totally removed, I am sure the house will concur with me in thinking; and also that no complaint should be allowed to exist in any rank of our navy, from the highest to the lowest. Indeed, it can only be necessary to state this proposition to insure acquiescence, without any argument whatever. I shall, of course, exclude from the new arrangement, those officers who received last year any addition to their pay; I mean the masters and surgeons. They were undoubtedly entitled to the attention they have experienced, but they have received their due proportion upon the scale I now propose. To all the other officers I shall extend the augmentation. I have said that I shall make no partial selection, and in this resolution I am justified by the advice of the most competent authorities, of persons best qualified to judge upon the subject. It has been strongly urged to me, by every person with whom I have consulted, that the warrant and petty officers are particularly entitled to a liberal allowance; and not only the necessity of preserving a fair proportion, and the policy of guarding against discontent, but justice itself pleads in favour of the seamen. Indeed, in the opinion of all naval men, it would be highly imprudent to advance the pay of the warrant and petty officers, without granting a proportionate advance to the able and ordinary seamen. I am aware that an advance was made to the latter in 1797. But still it will be admitted that, from the enhancement of all articles of the first necessity, and the depreciation of money which has taken place within the last nine years, the demand of a further advance to these meritorious men cannot be considered unreasonable. To establish any increase of wages proportionate to the circumstances I have mentioned, it is not my intention to attempt. Indeed such a thing would be scarcely possible. I have endeavoured to keep equally in view the degrees of rank and the merits of service; and hope I have avoided the injustice and inconvenience of any partial selection, such as prevailed in 1797, when the addition to the seamen's wages was not such as to afford them much advantage or satisfaction, and yet it created an undue proportion in their favour. By any man who reflects but a moment on the sufferings, the privations, and the services of our seamen, it is impossible that a doubt can be entertained of the propriety of affording them every means of consolation in our power. Look but at the difficulties and dangers to which they are exposed every hour; review the manner in which they have overcome every difficulty and danger that has heretofore assailed them, and mark the glory which you have derived from their dauntless exertions. After this review, is there an English heart which would not revolt at a moment's hesitation to grant the just claims of an English seaman? But independently of any appeal to liberality, the pretensions of the seamen are incontrovertible. When we consider the nature of the service in which they are engaged, what must be our reflections? Withdrawn from all the enjoyments of domestic comfort, exposed to all the hazards of war, deprived of the profits and security they had on board merchant-ships, from which for the most part they have been taken; the prospect, in fact, of future advancement cut off, and perhaps forfeited for ever; such has been the state of the greater part of your present seamen for years back, excepting in some degree, that period of disturbed and agitated peace, if that could be called peace, in which you were subject to all the embarrassments, and obliged to maintain all the expences and apparatus of war. A large proportion indeed of your seamen has been in actual service for 12 or 13 years, and in actual service of the most toilsome, dangerous, unprofitable, and unpromising description; compelled for the most part, of late years, to encounter the inclemency of all seasons, they have had to watch the enemy in his ports, without even the hope of meeting and conquering him, which would render a British seamen indifferent to fatigue. No; the enemy having no means of safety but in eluding the vigilance of our seamen, disappoints that thirst for conquest and glory which distinguishes our gallant tars, and which reconciles them to danger. Under such an accumulation of disadvantages, can you, I say, refuse them any comfort in your power to administer? can you hesitate to furnish them with the means of solace on their midnight watch?—Having now stated so much at large, the motives which have induced me to bring forward this proposition, I shall now proceed to detail the several items of the encrease which I have to offer for your consideration. It will be observed, that my arrangement does not include the landsmen; because I feel, that, as they enter voluntarily, aware of all the circumstances of the situation in which they engage, they stand on a footing quite different from that of the seamen. Now, as to the scale of augmentation, I propose to allow every ordinary seaman an additional pay of 2*s*. per month; to every able seaman 4*s*. per month; to all petty officers, who, according to the universal opinion, are so materially instrumental in preserving the discipline, and promoting the success of our fleets, 5*s*. per month. At the same time I mean, that a considerable addition should take place in the number of this very useful body of men. This addition to include all those who are denominated on board, the captains of the forecastle, of the mast, of the tops, and of the afterguard, who are the most active seamen on board; and to each of them I propose an increase of 9*s*. 6*d*. per month. To master's-mates and warrant officers I would give an addition of 6*s*. per month. As the warrant officers are retained and receive their pay during peace, as well as war, the addition to be granted them, in this instance, is only to be allowed while they are in actual service. To the master and surgeons, I have already stated, no addition is to be made. But there is a class of persons in the navy, whose claims to attention are as well founded as the general respectability of their character, I mean the chaplains; among the general advance, I propose to grant to the chaplain the appointment of schoolmaster, which will form an addition to his revenue of 20*l*. a year. I now come to the commissioned officers, whose pay has not experienced any rise since the days of queen Anne. First, as to lieutenants, who have received but 5*s*. per day since that period, I should add 1*s*. per day; to the captains and admirals, whose pay has been as stationary as that of the lieutenants, I would also make an addition. The captains, I assure the house, although their complaints have not been so often heard, have as much ground to complain, and are as much entitled to attention, as any class in his majesty's service. To the pay of these officers, therefore, I would add 4*s*. per day. The gradation respecting the admirals I would arrange thus: to rear-admirals an addition of 3*s.* 6*d.* per day; to vice-admirals, 5*s.*; to admirals, 7*s.*; and to admirals of the fleet, 10*s.*—The aggregate of the estimated charges under these several heads will be 288,366*l.* or say 300,000*l.* per annum. But as the increase for the present year will only commence from the 1st of May next, I have only now to move for the grant of 193,168*l.*—To the principle of this arrangement I have no fear of any opposition, and if in the details any thing objectionable should occur, I shall be very willing to attend to the suggestion of any gentleman upon it.—The plan of providing for those who are able to serve being gone through, we naturally turn our attention to those who are disabled by age, infirmity, or wounds, from any longer serving their country. For such persons Greenwich chest and Greenwich hospital already furnish some provision. As to the hospital, that institution has quite sufficient funds to answer its object, and any further allowance to the seamen who subsist on it would be rather liable to abuse; but as to the chest, its funds would be insufficient for the purpose. Those in view require an addition of from 14 to 20,000*l.* Out of this sum I would have allowed to out-pensioners a certain addition to each, to be regulated according to their services and their present situation. From 7*l.* a year, it should rise in gradation till it reached 1*s.* per day. For this sum I mean no addition to the public burthens. I propose it to be provided for by a measure which will require a bill to be brought in, namely, by a grant of 1*s.* in the pound from all prize-money; and, in addition to this, I have no doubt of his majesty's consent to set apart, for the same purpose, all *droits* of the admiralty. His majesty's uniform solicitude for the comfort and reward of the navy, warrants a confidence in his acquiescence upon this subject. It will be seen that I have altogether omitted any allusion to the marines, not however from any disposition to overlook their just claims. But this description of force having so much analogy to the regular army, I thought it better to postpone any reference to their case, until the question respecting the pay of the army shall be determined. I have now nothing more to add, than to assure the house, that in the preparation of the arrangement I have detailed, my anxious endeavour has been to reconcile all sides. I flatter myself that the outline will not be ungraciously received by any one. If, however, any difference of opinion should arise upon the detail part, on which I may perhaps have deviated from principle, which I trust is unexceptionable, I hope that the whole may be considered on its own merits. My wish is, that no comparisons may be made. They must tend to excite the most invidious feelings, possibly other mischievous effects, while they can serve no purpose of legitimate argument. The army and navy are both the means of our safety, and entitled to our warmest gratitude. The condition of both is deserving our most diligent attention. But then they stand upon different grounds. No comparison can be fairly instituted between the state and pretensions of both. What may be a boon for the one, it may be impossible to give to the other. I, therefore, hope the two cases may not be confounded, and that in discussing this subject, gentlemen will avoid any reference to extraneous topics, but decide upon it from a fair view of its own justice and expediency.—The motion for the grant of 193,168*l.* with which the noble lord concluded, being read by the chairman; in reply to a question from Mr. Wilberforce, he stated, that the proposed addition to the number of petty officers, would amount to about 10 in each ship of the line.

Mr. *Francis* confessed that the business was new to him, and that his apprehensions might appear to have no foundation; but he had one general question to ask: he wished to know whether, when the pay of the officers and seamen was originally fixed, the probability of prize money was not taken into consideration, and whether on that ground the pay was not fixed at so much lower rate? whether the pay, as connected with the prize money, was not considered as sufficient? As to his noble friend's request, that no comparison should be instituted in this discussion between the case of the navy, and that of the army, he rather apprehended that if there should be any inequality in the proposed addition of pay in the two branches of service, unpleasant comparisons would be made elsewhere, however studiously any allusion to the subject might be avoided in that house.

Lord *Garlies* said, that having very frequently and maturely considered this subject, he thought great credit due to the noble lord, who, after being so short a time in office, was already prepared with so desirable a measure. But though he highly approved of the principle of the measure, he could not equally approve of the application proposed to be made of the sum of nearly 300,000*l.* in the classes in which it was meant to be distributed. The warrant and petty officers were known to all professional men, to be the life and soul of the navy of Great Britain, and even according to what was now proposed, would be inadequately provided for. It was of the utmost consequence to attach that class of men so to the naval situations they held, as to take from them all wish or inducement to go into the merchant service; to which, he lamented to say, that many of them were at present strongly inclined. He had no objection to the gradation made from admirals to lieutenants, but very much wished that greater attention had been paid to the pay and situation of the first lieutenants of men of war, who had now no more rank or pay in the service, than young lieutenants of a day's standing, though in action they were every moment liable to have the whole command of the ship. He thought that, for the sake of maintaining a proper distinction, they should be allowed a further daily encrease of 5*s.* pay, which, to the nation, would not make an additional expence of more than 5*l.* a day throughout the whole navy. As to the warrant and petty officers, he would again repeat, that they were the flower and strength of the navy of England, and amongst other things, had charge of the stores of the ships, which cost the nation so many millions. He thought it but reasonable that their pay should be encreased to 5*l.* a month, which was what they could get in the merchant's service; and as there were but 3 of them in each ship, the rise could not be attended with any great expence. In great ships, where there was more duty, they certainly were inadequately paid, though he would not say the same of them from 74 gun ships downwards. In his opinion, the situation of petty officers should correspond with that of quarter-masters, and the situation of warrant officers with that of serjeants in the army. The petty officers, in time of peace, would get 3*l.* per month in the merchant service, but if government were to allow them the same, they would have no inducement to enter it; and he thought it would be much better to do it now, during war, than wait till a time of peace, on the arrival of which he feared a great number of them would quit his majesty's service, for one in which they could find superior encouragement. Were it done now, he thought it might produce the best effect; for though, perhaps, no man would prefer submission to military discipline, to being at his own liberty, yet, when accustomed to it, and already placed in a satisfactory situation, he might feel no inclination to change it. As to the able-bodied and ordinary seamen, they were certainly deserving of every encouragement that could be given them; but meritorious as their services were, he would rather see the chest of Greenwich applied to the encouragement of the warrant and petty officers. The house would perceive, that the only difference of opinion between him and the noble lord was respecting the appropriation of the money. He would go farther in his observations, and though the practice of impressing for the navy was one, no man could ever dream of giving up; yet he would maintain, that it would be much better to get as many men as we could voluntarily, than to depend entirely upon that practice. He also suggested the expediency, as a further inducement to the service, to grant the out-pension of the chest of Greenwich to the widows of such men as had been slain in service; and also to all such petty and warrant officers as had served for a certain number of years, without incurring any punishments by Courts-Martial, or by desertion, which was the bane of the service. He concluded with saying, that he should be sorry if these were only the singular opinions of himself, an individual unaccustomed to public speaking, and therefore the more diffident in addressing himself to the house; but he had the satisfaction to state, that his opinion was fortified by that of the noble lord (Melville) who, however he might have lately fallen under the displeasure of the house, must be admitted on all sides to be a great practical statesman; and he felt himself authorised to add, that had that noble lord remained till this time at the head of the admiralty, the suggestions which he now humbly submitted, would have been carried into effect. He hoped the house would pardon him the slight digression, if he further stated his perfect conviction, that it was to the measures adopted by that noble lord and excellent statesman, that we were indebted for all that extent of glory, which the navy of England had acquired in the course of the last year.—The resolution was then agreed to.

[SLAVE IMPORTATION BILL.] The *Attorney General* moved the order of the day for the farther consideration of the report of the bill for preventing the importation of slaves into the conquered colonies.—On the question being put,

Mr. *Rose*, having several considerations to offer against this bill, from the effect it would have on the general commercial interests of the country, and which he wished to have an opportunity of communicating, without the necessity of making them public, submitted to the learned gent. the propriety of delaying this question two or three days: it could be productive, he thought, of no inconvenience to delay it till Tuesday.

Mr. Secretary *Fox* did not see why the consideration of the report should be delayed on that account. His learned friend would, he doubted not, readily agree to postpone the third reading until Tuesday, which would answer the same purpose.

Mr. *Rose* said, that if the report were now to be considered, he must call the attention of the house to several important points connected with this bill. He conceived now that the ports of the North were shut against our commerce, this bill would operate in still further injuring that, and our manufactures. The value of our manufactures exported annually to Africa was above two millions. How much of this gross amount would be affected by this bill, he could not pretend to say; but certainly enough to induce the house to pause, before, at such a crisis as the present, they sacrificed it. Our East-India trade would be materially injured likewise by its operation, as likewise our direct trade to the Spanish Main, which was highly profitable. What object was attained by the bill? If the abolition of the slave trade, the plain fact that as we receded from the trade the Americans advanced in it, would be sufficient to shew the absurdity of the idea. Those, indeed, who professed to be the friends of humanity, ought scarcely to support a bill which was calculated to divert the African trade into a channel much more injurious to the interests of humanity, than that in which it then was. The last ship from Africa to Carolina buried 152 slaves on her passage, and yet her voyage was considered sufficiently profitable. If the bill passed, the consequence would be, that the manufacturers of Manchester, Stockport, and Paisley, would be going about naked and starving, and thus by attending to a supposed claim, or relief from a distant quarter, we should give existence to much more severe distress at home.

The *Attorney General* remarked, that as these observations went to condemn the principle of the bill, and not to introduce into it any modifications, their discussion had better be reserved till the third reading of the bill. They would at least be as proper in that stage of the bill as now, and it was desirable, he thought, that they should not have two debates on the same subject. If the right hon. gent. had more observations to offer, he had better adduce them now once for all, or postpone the whole till the stage he had alluded to. It was a matter of indifference to him whether the principle should be now debated or afterwards, but he did not wish to have it twice debated.

Mr. *Rose* said he should still think himself at liberty on the 3rd reading to offer what observations might occur to him, and would not tie himself down to be silent in that stage of the business.

General *Tarleton*, as a representative of the city of Liverpool, had the strongest objections to this bill. The object of it was to prevent the importation of slaves into the foreign colonies, by the British. Nothing could be conceived almost, which would tend more to injure the interests of the navy. We ought to take care of the interests of our navy, and commerce would take care of itself. The African trade had been the great cause of the prosperity and opulence of Liverpool. The sailors in this trade were the best that could be found, and the greatest supplies for our navy were obtained from the port of Liverpool. Although many were of opinion that the coasting trade was the chief nursery for our marine, yet he maintained that sailors were good in proportion to the length of their voyages, and those of the sailors in the African trade were certainly long ones. There had been no considerable actions, such as that of Trafalgar, and others, in which sailors from this trade were not to be found in considerable numbers. The consequence of giving up this trade, in any degree, would be to throw it into the hands of the Americans, who could carry it on cheaper. It would also send our capital to America. He would ask an hon. gent. (Mr. Wilberforce) whether he meant to bring in his annual bill? Ever since he had a seat in parliament, we had an annual debate on this subject, and as the measure could not be carried in its general form, they were now coming by a sidewind on the planters. We had heard a great deal of eloquence displayed on the cruelty exercised upon the slaves, in the passage; and yet these gentlemen were now for turning over the trade to the Americans, by whom the slaves would be treated with much more cruelty; for it appeared that they had lost 152 men on the passage in one instance, and yet made a profitable voyage. One great foundation of our maritime strength was the slave trade, and therefore it ought not to be restricted.

Mr. Alderman *Prinsep* was apprehensive that it would interfere with the faith of his majesty, pledged to some of the conquered colonies, that they should be on the same footing with the British West India islands, as appeared from the terms of their capitulation; and wished to know if it would supercede the proclamation of his majesty of the 15th of Aug. 1805, which admitted the supply of those islands with negroes at the rate of a certain per centage, according to their present black population?

The *Attorney General* said, the bill was not intended to supersede the order of his majesty in council of the 15th of Aug., but on the contrary would give it the sanction of parliament, though he would not enquire at present whether that was really necessary, his majesty having occupied those colonies in right of conquest. Care would be taken to make provisions in the bill for allowing the per centage of negroes, pledged by his majesty's declaration.

General *Gascoyne* was of opinion that if the general question was likely to be brought forward, as it had annually been for some time past, it was only losing time to discuss it now. It would be better to discuss the question of an entire abolition at once, and therefore wished to know if the hon. member opposite (Mr. Wilberforce) had it in contemplation to bring forward the question this session? If any hopes had been held out to the conquered colonies of being treated in the same manner as the British, he thought this bill would operate as a violation of our faith. Mr. W. took no notice of the question put to him by the hon. general. After a few observations from sir W. Young, the bill was ordered to be read a 3d time on Tuesday.

[Property Duty Bill.] The order of the day for going into a committee on the Property Duty Bill having been read,

Lord *Henry Petty* stated, that it had been found necessary to introduce several amendments into the bill. It was his intention therefore to propose, that the bill thus amended, should be re-printed, and taken into further consideration some day next week. This appeared to him to be the best mode of giving the bill that full and fair discussion, which he was anxious that it should receive. With regard to the principle of the bill, as it had received the sanction of a large majority both in its present form, and when it was presented in another shape, he should abstain from saying any thing upon it, although he was aware, that there were some who entertained a strong objection to the principle. He would, therefore, confine himself to stating shortly, the substance of two or three of the principal amendments which he intended to propose. It would be recollected, that as the bill originally stood, it imposed a duty of 10 per cent. on all incomes from property, exempting only small annuitants and persons in trade, whose incomes were under a hundred a year; and that for these persons a gradual scale of exemption had been formed from incomes of 50*l.* to incomes of 100*l.* a year; leaving incomes under 50*l.* a year totally exempt from the operation of the act. He had already stated the mode in which these exemptions were to be repaid to the persons claiming them. When the bill went into the committee, he trusted it would be found that this mode was very simple. It merely required a certificate to be produced by the claimant, which could be to him no inconvenience, and, what was certainly very desirable, it tended materially to lessen the difficulty which the commissioners had hitherto found in executing their duty. Deeply as he felt the necessity of making the bill efficient, and reluctant as he was to relax any of the provisions which were calculated to render it so, yet, on mature consideration, he found the expediency of alleviating the burden in some degree, and particularly on the inferior classes. In the first place, his amendments had for their object that class of society, who, employed in laborious or handicraft occupations, were paid weekly wages, which amounted to no more than 50*l.* a year. When gentlemen recollected how this money was acquired, when they considered that it was frequently by the sacrifice of health, and ultimately of life, in dangerous and injurious employments, they would readily allow that those persons whom he had mentioned were entitled to some superior advantages. It was his intention, therefore, to propose a clause, by which persons receiving not more than 30*s.* a week, or 5*s.* on any one day, should be exempted altogether from the operation of the bill. He likewise meant to propose, that the scale of exemptions which now was carried from incomes of 50*l.* to incomes of 100*l.*, should be extended to incomes of 150*l.*; applying the same principle as in the former case. Having said thus much, he should move that the Speaker do leave the chair.

Sir *R. Buxton* expressed his intention, when the amendments were printed, and the bill should again come under the consideration of the house, to offer some observations on it. He thought that the landed interest would suffer materially by it as it now stood, and he was anxious for some qualification of the hardships to which it subjected them.

Mr. *W. Smith* declared that he was one of those who opposed this measure from the very beginning. Although he could not but be sensible that the situation of the country rendered the duty of his hon. friends very embarrassing; and although he did not feel disposed to increase this embarrassment, by opposing this or any of their other bills, yet as he had so frequently on former occasions expressed his disapprobation of the principle on which the present bill was founded, he could not allow it to be supposed by the public, that any change of men had produced a change in his opinion of this measure. When it should again be brought forward, he would deliver his sentiments upon it. As to the encrease to 10 per cent. he confessed that that was with him no material objection to the bill.

Sir *C. Price* lamented the operation of this tax, as it would affect a large and meritorious class of tradesmen in this metropolis; he meant those whose incomes were below 200*l.* a year. Not only the burthen of the tax itself would be a very inconvenient reduction of their means of subsistance, but the exposure of their circumstances would be oppressive to their feelings, and detrimental to their interests.

Mr. *Wilberforce* hoped to have heard of more numerous exemptions; he was however sensible of the absolute necessity of rendering the tax productive, and he was unwilling to oppose those who had accepted of offices of high responsibility in difficult and dangerous times.

Mr. *Bastard* would not have the farming interests forgotten: the farmer was a tradesman, and was entitled to as much indulgence in his rustic engagements, as his competitors in the great towns of the kingdom.

Mr. *Vansittart* trusted, that in the variety of objections gentlemen adduced, they would not forget two things of essential importance; the produce and the practical effect of the tax. As to its operation on land, it might be resembled to the old land-tax, and perhaps by this familiar view of it, gentlemen would be less disposed to give it their opposition.—The house then went into the committee, and the amendments were read and agreed to. The report was ordered to be taken into consideration on Friday.

[STIPENDIARY CURATES' BILL.] Mr. Perceval moved the order of the day for the 2d reading of this bill.

Sir *J. Wrottesley* objected to it on the ground of its placing the property of the church too much in the power of the bishops. They had the same passions with other men, and their conduct had at different times, been too much characterised by ambition and the love of power. The present bill professed to be designed for the relief of Curates; but he had heard that several of that order had designed to present a petition against it. He contended that it would be better to vote a small sum for the purpose of encreasing the livings of Curates, by adding to queen Anne's bounty, than that the present bill should pass. He therefore moved that the bill be read this day 6 months.

Mr. *Perceval* said, that a bill founded on the same principle had already twice met with the sanction of the house, though it had not passed in consequence of certain alterations it had undergone in the lords. He therefore had not thought it necessary on the first reading of the bill to enter at length into the merits of it. He contended that the provisions of this bill should have formed a part of the late bill on the residence of the Clergy. That bill had extended great indulgence to rectors, and he should be sorry if there did not now appear the same feeling for curates as there had then been displayed for rectors. Was it not equitable that when rectors were permitted an absence from their charges of 4 months in the year, curates should receive a comfortable subsistence for regularly performing the duty of a parish? He thought that it was just rectors should be told, you may reside if you please, but if you chuse to indulge in non-residence, you must provide some person qualified to discharge the duty, with a comfortable subsistance. It had been said, that every thing of this kind should be settled between the rector and the curate, and that the compensation from the one to the other should be permitted to find its own level. But he contended that this mercantile principle was inapplicable to this subject. The interest of the public must also be attended to; and it was their interest that parochial duty should be well performed. It was certainly essential to the proper performance of that duty, that the curate should be enabled to appear with some respectability in his parish; and how could he do this, unless removed from that state of indigence to which so many of them were condemned? He should consider it as the greatest boon which could be granted to the country, were every parish to enjoy a resident clergyman of respectability. With respect to the discretionary power of bishops, he had no objection to their being imperatively bound by the act to assign the due proportion, namely, one-fifth of the living, to the support of the curate, in the case of non-residence. He hoped, however, that if gentlemen considered the importance of every parish enjoying a residing clergyman, they would not object to the bill going to a committee, in which it might undergo many amendments.

Lord *Porchester* was astonished to hear the learned gent. call on the house to take time to consider of the merits of the bill, as in his statement in bringing it in, he had said, that it contained nothing new. The learned gent. had expressed a wish that, if possible, every curate should have 250*l.* but, he believed he could with truth state, that the average of the livings in England did not amount to more than that sum. Parliament might insist on the residence of the clergy, but he conceived it had no more right to dispose of their property than that of any other set of men. The avowed object of the bill was to compel the residence of the curates; now it so happened, that this object was not obtained. Bishops had the power of appointing a curate when the rector was absent, but the public had no security that that would be done. The noble lord then adverted to the different parts of the bill, to all of which he objected; and concluded by saying, he would oppose it in the present stage, as he did not think it could be altered in a committee. He said that a strong case ought to be made out before the house could think of transferring property in the manner proposed by this bill. He objected to giving a power to a set of men who, had never failed to exercise any power that was within their grasp. A great responsibility would be imposed on the bishops, and the inferior clergy would be reduced to a state of servile dependence. It was a serious thing to degrade and destroy so large a portion of the middle classes of the people. As to correcting the bill in a committee, that was impossible. Unless every clause in it was altered, the bill could not pass consistently with any principle of justice.

Mr. *Fellowes* supported the bill, because he was convinced it would have the effect of inducing many of the clergy to reside on their livings, and he would appeal to every gentleman in the house, who was a justice of peace, whether the residence of a clergyman did not materially contribute to the good order and morality of a parish. The number of parishes in England was between 11 and 12,000, in 3,200 of which there were no resident clergymen. This was an evil which he thought should be corrected, and he hoped the bill would be allowed to go into a committee.

Lord *Porchester*, in explanation, said that the number of parishes amounted to 11,600. Of these there were 1,360 in which the clergymen could not reside for want of parsonage houses. The clergy of 80 parishes gave notice that they would reside; there were altogether but 2,423 parishes non-resident.

Mr. *Barham* objected to the bill as likely to have an effect, the very reverse of what it proposed. It would diminish religious instruction, because it went to diminish the number of teachers. He had the strongest objection to encrease the power of the bishops. It was in the nature of things, that in proportion as clergymen possessed power, in that proportion would they exercise it tyrannically. Let curates be provided for any other way except by the injustice, which this bill went to establish.

Mr. *Wilberforce* was surprised to find

that this bill was to experience any opposition, as it was one which went to provide a suitable maintenance for a man who performed the duties of religion out of the profits of him who did no duty for them. There were certain evils in society which were so long endured that they became, in some manner, a part of our nature, and when any attempts were made to remove them, we were apt to say, that the same would be fruitless. Such was now the case with regard to the clergy. The evil of men doing all the duty of parishes, and not having allowances sufficient to exist on, was an evil, the removal of which could not it seems be endured. What would be said if a captain of a man of war should receive all the salary and emoluments belonging to his ship, and, living upon shore, should appoint a deputy to perform the duties of the ship, at a very low salary? Could such a practice be endured in the present situation of this country? Yet such was the case with the non-resident clergy, and shewed the effect of custom, and of a habit which should be remedied. For the further elucidation of this subject, the hon. gent. adverted to a letter he had that day received, upon other business; but in which the case of a poor curate was related, who, from indigence, was obliged to employ himself in weaving cotton. It was truly lamentable that men, bred to such a profession, should, by such occupations, be under the necessity of degrading the character of a clergyman; and while ecclesiastical livings were private property, and great and important duties attached to them, the clergy certainly should render themselves to be respected by their parishoners; we must not, therefore, call it a violation of that private property, when we endeavour to secure a resident, to do the duty of his parish with reverence, with decency, and with respectability to himself, and to the satisfaction of his parishioners. It appeared, that while gentlemen on the other side talked of the hardships this measure would put upon rectors and vicars, they forgot the case of the poor half-starved curate with his large family. For these reasons, therefore, and feeling the great importance of the measure, and the benefits which must arise from it to the public at large, he gave the bill his most hearty concurrence.

Mr. Secretary *Fox* first objected to the bill on account of the enormous power it went to give the bishops. He also objected to the principle of it, which no alterations in a committee could cure. The principle was bad, because it had not the public interest in view. It went to make the stipend of a curate not commensurate with his public duty, but with the property of his employer. No regard was paid to the duty or the performance of it, but merely to the property of his employer. Every man wished that clergymen should reside on their livings; but as long as pluralities existed, that could never be done. The question then would be, what ought the substitute to receive? No such thing was provided for here; but a fine was to be inflicted on the man who did not reside in his parish. It was a monstrous principle to enquire into all the particulars of a man's property, (he did not mean to say but that, in some particular cases, such as taxes, it might be necessary), and settle what a man was to pay out of that property to the person whom he employed. The evil complained of could not be removed without attacking pluralities. He sincerely wished all the curates had 250*l.* per annum, but that the public was not now able to give them. He equally wished the abolition of pluralities, and if any gentleman who was more competent than himself would consider it, he thought it a most laudable, spirited, and practicable undertaking. In the parish of Chertsey, where he resided, the amount of the rector's income was no more than 100*l.* a year. According to the provisions of this bill, the curate was to have but 20*l.* a year; and in a parish next it, where the duty was not half so great, the income might be five times as much. This measure, then, being vicious in its principle, he would oppose it in the present stage.

Lord *Castlereagh* said he should wish to spare the house the trouble of hearing arguments which might be applied with more propriety to the bill when in a committee; he did not however agree with the argument urged by the right hon. gent. against the bill, who had urged it on the idea that the bill could not apply in all cases; it was, in his opinion, right to apply the bill to all cases in which it could be applied, and it was no objection to the bill that it could not be carried into effect in every instance. It appeared to him, that all the reasons which had been alleged against the bill were chiefly of a nature which did not go to the principle of it, but against the principle of any bill which had for its object the regulation of this subject. This bill did not give to the bishop so much power as the former bill, which was now the law, for by that bill the bishop had the power of giving the whole of the rectory to the curate up to the extent of 75*l.* a year; whereas by this bill, no more could be given in any case than the one-fifth of the produce of the rectory.

Mr. *Alexander* was against the bill as a partial measure; whereas, if any thing was done at all in this matter, the whole of it should be taken up on a broad and general principle. Pluralities and all other abuses should be considered, if the subject was to come under legislative consideration.—The house then divided, when there appeared: For the second reading, 13; Against it, 25. Majority against the bill 12. It was consequently lost.

HOUSE OF LORDS.

Monday, April 28.

[Impeachment of Lord Melville.] Lord *Auckland* moved, that this house do strictly prohibit and forbid any publication whatever of the Trial of lord Melville, during the continuance of the same; and that notices of such order be posted up on the doors of this house, and on the doors of Westminster Hall.

The Duke of *Norfolk* asked if there was any precedent for such a motion?

Lord *Auckland* replied in the negative; but argued that such a regulation was called for by reason and justice. He adverted to the instances of speeches, or proceedings, for 2 or 3 days successively, namely, on one side of the question, and in support of the charges, without the other party having an opportunity of urging a tittle in his defence against such allegations. He would put it to their lordships, and appeal to the whole house, whether it were fit that partial publications of the proceedings should go abroad in that manner?—The motion being read from the woolsack,

Lord *Eldon*, according to his conception of the motion, as he heard it read, thought such an order would go to the prohibition of the trial being published altogether, even after its conclusion; which, he seemed to think, could not be what was intended. He, however, highly approved of the principle upon which the prohibition proceeded, and he lamented the partial publication of trials, as frequently practised with respect to the courts below. He was sorry to say, that he was old enough to have seen, in his time, much mischief result from that practice; and he particularly alluded to the case of the last impeachment. He therefore approved of what was now proposed; it would prohibit a practice which might afford grounds for a person to be deemed guilty, when, in point of fact, after hearing the whole of the case, their lordships' judgment might be such as to establish the innocence of the party.

Lord *Hawkesbury* expressed his acquiescence in the principle laid down by his noble and learned friend; but as he conceived the effect of the motion would be to prohibit the publication of the trial altogether, he thought some words should be introduced therein, to limit the order to a prohibition during the continuance of the trial.

The *Lord Chancellor* explained, that it might be owing to his mistake in reading the motion, that the noble lords were led into such a supposition. There were words in the motion to meet the idea adverted to, and he thought it absolutely necessary to the honour and justice of the house, that such a notice should be given.

The Duke of *Norfolk* said a few further words on the occasion, and adverted to the impracticability of preventing that which should transpire on the trial from going forth.—The question was then put, and the motion agreed to by their lordships, and ordered accordingly.—The report of the committee appointed to regulate the ceremonial of the trial was then taken into farther consideration. The duke of Norfolk, lords Spencer and Hawkesbury, were the principal speakers. In respect to the delivery of tickets to the different peers of parliament for admission at Westminster-hall, it was finally agreed that the regulation adopted in former cases of impeachment should be adhered to.—On the motion of lord Eldon, that part of the report which regulated the manner of giving judgment, was postponed for consideration till a future day.

HOUSE OF COMMONS.

Monday, April 28.

[Impeachment of Lord Melville.] The *Speaker* stated, that to-morrow, being appointed for the trial by impeachment of lord viscount Melville, he purposed being at the house precisely at ten o'clock; and, if the attendance of the members allowed him to take the chair at a quarter past ten, he should then give orders to the proper officers to clear the passages, and to summon the members. At half past ten, the managers of the impeachment would go forth and take their places at the bar. The members would then be called over by counties, and proceed accordingly.

[Increased Pay of the Navy.] Mr. Vansittart brought up the report of the committee of supply, for granting additional pay to the navy. On the question being put, that the resolution be read a 2d time,

Lord *Garlies* rose, not to oppose the resolution, but, as the noble lord who had brought this question before the house had expressed his readiness to listen with attention to whatever should be said on the subject, to propose some considerations by way of amendment to this measure. He approved of the intention on the part of the noble lord to ameliorate the situation of those employed in the naval service; and felt highly gratified by the attention the noble lord had given to the subject; but he was disposed to go somewhat farther, and thought, that two amendments he had to propose would render still more complete the system of encouragement and amelioration proposed by the noble lord. The first amendment he would propose, was that the first lieutenants of the line of battle ships, in order to render them superior to lieutenants of inferior rates, and of their juniors in point of service, be allowed 1*s.* per day above the ordinary pay of lieutenants. He proposed, that those having 6 years seniority should be admitted to this distinction. The additional expence would not be above 5 or 6*l.* a day, which was a trifling consideration in comparison of the advantages that, in his opinion, would be derived from it. The next amendment he had to propose respected the petty officers. At present they were eight or ten in number on board each ship. The noble lord had stated his intention to increase their number. This however, he thought, would introduce considerable inconvenience. Instead of augmenting the number of the present class of petty officers, it would be better to introduce a new class, and to make that description of men, so useful on board a ship, and known by the appellation of quarter-gunners, rank with the petty officers, giving them 1*s.* per day in addition to their present pay. There was one generally to every four guns: the additional expence, even in a first rate, would be very inconsiderable. There was another description of seamen also, to whom a sufficient encouragement was not held out in money; he would therefore recommend that the Greenwich out-pension, in case of their deaths, be held out to their widows, orphans, or mothers. This would be an inducement to them to remain in the service, and would make up, in some measure, for their small pay. In the observations he had made, his lordship did not wish to be understood as indicating any inclination to oppose ministers; on the contrary he had communicated to the first lord of the admiralty all the observations he had now stated, as well as those on a former night, previously to the estimates being laid before the house. This deference, he thought, was becoming in a professional man, and due on all occasions to a first lord of the admiralty. As a proof that he was not disposed to urge any question in opposition to ministers, or entertained any wish to embarrass them, he had, on a former occasion, declined urging the thanks of the house to sir David Baird and sir H. Popham, when he found the proposition contrary to the inclination of ministers, though he thought those meritorious officers had deserved very highly of their country. The noble lord then was proceeding to read his amendments in form, when

The *Speaker* reminded the noble lord, that the subject before the house was a resolution, granting his majesty a certain sum. This grant might either be approved of, or the resolution might be thrown out, but it could admit of no restriction. If the sum was granted, it must remain at the disposal of the crown.

Lord *Howick* was of opinion, that the only mode of proceeding proper for the noble lord, if he persisted in the amendments he had adverted to, would be to propose new estimates, agreeably to the alterations he wished to introduce. He spoke in high terms of the candour of the noble lord, and could not suspect him of a wish to oppose ministers, except where he should feel it his duty to do so. He had to return thanks to the noble lord for the suggestions with which he had furnished him, and had given them all consideration before he had laid the subject before the house. In the propositions he had laid before the house, however, he had not acted without communications from the first naval authorities, from which description he certainly did not exclude the noble lord, though he had thought it eligible to omit the suggestions he had then made, and which he had now submitted to the house in the form of amendments. He then adverted in a few words to the propositions offered by the noble lord, though the forms of the house did not at present admit them as the subjects of this discussion. He denied that lieutenants of first rates had at present no advantage over lieutenants of inferior rates, as they had the chance of being appointed masters and commanders, an advantage that was not open to other lieutenants. To make a distinction of seniority and rank might be attended with inconvenience, as those who were first lieutenants to day, might be second or third next day, from any new arrangement in the appointment of the captains or the ships themselves. Such a measure would create a considerable difficulty in making such arrangements, which were sometimes highly necessary. He did not know, besides, that there was any greater degree of responsibility in the lieutenant of a first rate, than was attached to the lieutenant of any other rate, and in some instances he believed not so much; and as a proof of the superior advantages they enjoyed, he stated that the first lieutenants engaged in all the late victories had in general been created masters or commanders. He did not approve of adding to the number of petty officers; and apprehended the noble lord must have been mistaken, if he conceived it was his intention to add to them to any considerable extent. If he had intended so to increase the number of this class of officers, the estimate he had laid before the house would have been quite inadequate. He did not mean more than 15, taking in captains of the top, &c. to a first rate, and so downward in proportion; the whole at an average of ten to a ship.—The resolution was then read a 2d time, and the report agreed to.

[Property Duty Bill.] Mr. *Ker*, seeing a noble lord in his place, wished to refer to him for information respecting the property tax. He was aware that formerly foreigners had not contributed to this tax. As there were many however of that description who had an interest in the funds of this country, and as that tax was made to fall so heavy on the subjects of this country, he wished to know if the noble lord had it in design to make any exemptions in their favour, or to include them under the general tax? That the house might have a proper understanding on this subject, and know the amount and value of those exemptions by comparing them with those under the former tax; he would move for a document which he thought highly necessary for the information of the house. The hon. member then moved, "that there be laid before the house, an account of the amount of all exemptions in favour of foreigners, in respect of the duty on stock in any of the funds of G. Britain, or on dividends in the East-India or South-Sea companies."

Lord *H. Petty* did not oppose the production of the paper, but thought it would be unfair to lay a tax on those who were not represented in that house, and that it would be equally contrary to the rules of sound policy.

Mr. *Rose* thought the hon. member's motion ought to have been for an account of the stock held by foreigners in the different funds of this country, as in that case the amount of the exemptions would be easily calculated. He would object to any measure leading to subject foreigners to the operation of the property tax; not however, on their account, but on our own, as it must be obvious that the consequence of such a measure would be their withdrawing their property to the funds of other countries in Europe, a circumstance that was not at all desirable for this country.

Mr. *Francis* could see no danger of that sort, nor did he know any other country in which they could lodge their money with equal security. He thought, that upon every principle of justice, the property of foreigners ought to contribute to the expence of its protection. Besides, this distinction would impose an additional difficulty in the collection of the tax, as it would not be easy to ascertain what part really belonged to foreigners.

Mr. *Huskisson* said, that foreigners might withdraw their money and place it either in the Irish bank or in the American funds.—The motion was then agreed to.

[Affairs of India.] Mr. *Paull* rose and said:—Sir, as several gentlemen were not present, when I had the honour to present the First Charge, upon which hereafter I mean to move for the Impeachment of the marquis of Wellesley; and as many gentlemen are even ignorant of the allegations contained in that charge, before I apply evidence to the fact, and state the grounds upon which I am entitled to the printing of the charge, such gentlemen may be of opinion that the charge had better be read; however, this to me is a matter of perfect indifference; having made the charge, I am capable of arguing upon it, and applying the facts; and as the wish of the house seems rather against the reading, I shall proceed to state the reasons why the charge ought now to be printed.—I certainly, sir, could wish to blot from my recollection, if possible, the disgraceful scene that occurred, when I presented this charge to the house of commons; but that scene, if it were possible for me to forget it, will not be forgotten or forgiven by the dispassionate and thinking part of the people of England; or the injury, sir, that one of the representatives sustained, whilst in the act of bringing forward their cause, certainly no cause of my own; whilst endeavouring to bring to condign punishment, a delinquent most powerfully protected, and whose profusion, whose extravagance, whose corruption, prodigality and waste, have grievously added, and will still add greatly to the burthens of the people of this country; but, sir, that nobleman cannot now escape, and had he taken sanctuary in the bosom, instead of the house of the premier of England, even that, sir, could not now secure him from the hand of justice.—It has been said, sir, I do not know for what purpose, or for what end, that I came into this house purposely to accuse the marquis of Wellesley; I do not think it necessary either to admit or deny the fact; but, if such was my motive, I can only say, that it was rather more disinterested than generally happens in these days of corruption; but, considering the quarter from which the remark proceeded (from Mr. Wellesley Pole) and the tone, temper, and gesticulation (however unparliamentary in which it was conveyed), I appreciate the observations as I ought; but if such a motive could be questionable, I appeal to the house and to the public to decide between my motives and conduct, compared with that of the relatives of the marquis of Wellesley.—I wish at present to throw no reflection on the character of the hon. the Knight of the Bath (sir Arthur Wellesley); on his courage, none can be thrown; but I think he has not consulted what was due to his fair fame, to his prudence, or to the situation in which he himself stands, in becoming, in this stage of the discussion, in which he had so large a share, the defender, sir, of measures declared worthy of Impeachment in this house; and to say the least, in which the hon. but indiscreet Knight of the Bath, was an accessary to many of the facts and proceedings stated as most culpable, most reprehensible, and deserving of the most severe punishment. Has the Marhatta War ever yet been justified? Has the marquis of Wellesley been exonerated from the breach of the laws of his country? Has any man, feeling strongly for his reputation, desired an hon. gent. (Mr. Francis) to retract his assertions; not, sir, confined to speeches in parliament, but printed and circulated out of doors, with the name of the author? No, sir; no friend of lord Wellesley's has dared to question the facts I allude to, or to desire the hon. gent. and 29 directors, to substantiate such facts, or to retract declarations so solemnly urged.—The conduct of the marquis Wellesley's friends is particularly deserving of notice. Whilst facts are asserted and the proofs are called for, but not actually produced, they pretend to court enquiry, and are clamorous for investigation; but when transactions are described as unjust and iniquitous; when acts are asserted as having originated in fraud, and ended in murder; when the papers are produced to substantiate the facts; to what shifts are the friends of the marquis of Wellesley driven? They are indignant at accusation; but sit quietly under the proofs adduced on the motions of the treasurer of the navy; have they presumed to question the allegations of Mr. Sheridan? No; but whilst one part of the administration are holding up the marquis as a profound statesman, and the treasurer of the navy depicting him as a great state delinquent, the relatives and friends of lord Wellesley are calling upon me to be brief in my accusation; whilst the crimes committed in the Carnatic, and the charges of Mr. Francis and Mr. Sheridan are allowed to pass unnoticed, unrefuted, unattempted to be contradicted.—But, to return to the Knight of the Bath: does he not know, that marquis Wellesley is accused by his employers, the East-India Company, of conveying powers to the hon. general, of a despotic and reprehensible nature, and as improper, and contrary to law? And, acting under such orders, is the hon. general not aware that his doing so was illegal! The ignorance of the laws of his country is but a poor vindication of the deeds done in a civil capacity in India; deeds declared to be illegal, unjustifiable, and reprehensible, nay, impeachable. The relatives of lord Wellesley will not, of course, listen much to what I recommend; but England expects decency from them at least, and that, until lord Wellesley is declared unimpeachable, by a vote of this house, the person at least who is so much implicated in certain of his proceedings, will not in future, by an ill-timed declaration of innocence, or by threats as contemptible as they are ridiculous, attempt to slander, sir, the person to whom he cannot impute any motives but those of a public nature, appearing as the public accuser of a man covered with crimes, and whom, if possible, I am determined to prosecute to conviction.—It is painful to revert to what passed upon a former occasion, but the words made use of by the right hon. secretary of state (Mr. Fox) cannot pass without observation; I can tell the right hon. secretary, that his words have only excited, in my breast, sentiments of sorrow upon his account; and having no wish to irritate, where it would be policy to conciliate, I beg leave to tell him that his threat of "peril" was as injudicious as it was unexpected. But, sir, were I to throw down the brief of the people of England, the house must proceed on the charge, and the proof I have brought before them; and it will be from no fear of the threat of the foreign secretary, if I give him and the house the repose he so much desires and implores.—It has been stated by some gentlemen, but by none so particularly and so pointedly, as by the right hon. the rescinder of the former vote of this house (Mr. Sheridan) for printing of the charge against lord Wellesley, that I had adopted a proceeding novel, unprecedented, extraordinary, and, I believe, he said, improper. Now, sir, I appeal to you and to the house, and request attention to the mode of proceeding. It was, I maintain, neither novel, or unprecedented; extraordinary or improper. It was constitutional, it was fair, it was consistent with former usages; it was the only course of proceeding that I was warranted in adopting, under the circumstances of the case; and had gentlemen been as ready to set me right as to take advantage of a trifling error of mine, (not being perfectly acquainted with the tactics of this house,) I should have been saved much trouble, and the house would have been spared the scene it witnessed last Tuesday. But I have escaped unhurt; and perhaps others may hereafter (the accused nobleman I am certain will) have occasion to lament the proceedings upon that occasion.—The shout of the noble lord under me (lord Temple) on that evening, in cordial cry with the right hon. the member of the board of controul (Mr. Hiley Addington), in consequence of a pause that will be long remembered, will, if I mistake not the character of the English nation, be turned, thouhg they may not confess it, to the grief and bitterest sorrow of both; at least, they will be taught not to shout, until the enemy have fled, until the battle is decided.—As to precedents, they are completely and decidedly in my favour: in the case of lord Denby, lord Coningsby, lord Arlington, the charges were laid upon the table, at the first proceeding in each of those cases, and papers moved for afterwards to support the facts. What, I ask, was there different in my mode of proceeding? But exclusive of precedents, I maintain that public rumour alone, is sufficient to entitle a member of this house to bring forward a charge of impeachment. Such is decidedly the opinion of Mr. Hatsell, and every other constitutional writer upon the subject. But I do not ask the house to take assertion as proof. I shall read Mr. Hatsell's opinion upon this subject, which is in the 104th page,—(here Mr. Paull read the extract from Hatsell, which was decidedly in support of his assertion). But, said he, the case of sir Elijah Impey is infinitely stronger, and precisely in point. After a speech of some length, the present lord Minto, without any previous proof, laid his charge upon the table against sir Elijah, and which was ordered to be printed for the use of the members. So much for precedent: and having put myself right in the opinion of the house upon this point, it is really a matter of indifference to me, personally, whether the charge is printed at present or not. I shall now, however, adduce the proof on which I maintain, according to the right hon. secretary, the right hon. rescinder, and of every friend of lord Wellesley's, that I am entitled to demand the printing of this paper as a matter of right, whether I have that right or not.—No person denied, that if any proof was before the house, (without any proof, except that contained in the charge, and the notoriety of the facts, I say I was entitled to the object I have in view this evening,) I was entitled to the printing of the charge; but I have no doubt, I shall have another instance to add to the many proofs of the consistency and fairness of the defenders of lord Wellesley.—

I have no doubt that they will say, that the papers, on which I ground my claim to the printing of the charge, have been produced incidentally. To such persons I mean to give no reply; but to the honest and independent members of the house, I shall briefly anticipate such an assertion, which, by the bye, would be very unfair to make; for even had the papers appeared incidentally, which however they did not, I should have conceived myself entitled in perfect fairness to make use of such proofs, and if I felt inclined, to ground a new and specific criminal charge upon them. I ask the house to recollect, in what manner the proof was obtained which induced the house to adduce the additional article of Impeachment against lord Melville? They were obtained perfectly accidentally by the managers, and in a manner somewhat objectionable. The documents, however, contained in No. 8, of the India papers, have been produced upon my own motion, and for the express purpose of criminating the late governor-general. In the article of charge I have inserted various breaches of the law, the total and entire failure upon the part of the East-India Co., of the engagements made to the public when they obtained their charter. I have stated various disobedience of orders along with these violations of the law, complete proofs of all such allegations are contained in the papers now upon the table. I confess it was my intention, on these papers, to have made a motion for a select committee; but in an interview that I had with the right hon. the secretary of state, he stated various reasons to me against such a proceeding; the strongest, however, was, that he would oppose it. I had therefore no alternative, but dropping the cause of the public and of justice, or pursuing the course I have adopted. I shall not trouble the house with a detail of all the papers contained in No. 8; they however contain complete proof of eight of the allegations, and exhibit a scene of the grossest misrepresentations, and disregard of every principle of truth and honour; they exhibit another instance of what talent was reduced to, after iniquity, oppression, and injustice had become familiar to the humour of the marquis of Wellesley.—Mr. Paull went very much at large into the financial and political situation of India. When lord Wellesley took charge of the government in 1798, the debt he then stated to have been little more than 11,000,000*l.*,—the commerce flourishing; and that the last act of lord Teignmouth's administration, added a permanent resource, by the treaty of Oude, to the company of 300,000*l.* a year; that the whole interest of the debt was little more than 500,000*l.*; that every thing was peace; that the princes were attached to our government; and no native of Hindostan had cause to complain of injustice; that no bullion had been sent to Bengal during the whole of sir John Shore's government; that during the government of lord Wellesley, he obtained supplies from England in specie to the amount of nearly 4,000,000*l*; that during the same period he drew upon England for 3,800,000*l.* that he unlawfully seized large sums of the money destined for China, in direct opposition to the orders of the court of directors; that by false representations he obtained from the super-cargoes at Canton, several large sums destined for commercial purposes; that the sums so obtained, at an enormous expence to the company, instead of applying them for the purposes to which he represented he was to appropriate them, Mr. Paull said they had been expended on the college, the body guard, the government house, for the shew and splendour, and for the actual expences of the governor-general himself. One paragraph from the papers he begged leave to read to the house, which would shew what credit was due to the assertions of the late governor-general, who, in the close of the year 1799, represented the finances as most flourishing, public credit higher than ever it was known in India before, and that in fact he would require no farther aid from England. The letter, Mr. Paull said, was dated Feb. 11, 1800, addressed to the super-cargoes at China; the paragraph was in these words: "Unless early relief be afforded to the finances of India by a large supply of bullion, the public credit will suffer; the investment in India for the present year must be reduced to a low scale, and I entertain the most serious apprehensions that I may not be able to provide the necessary means of exertion against the common enemy." In consequence of this representation he obtained from the super-cargoes 125,000*l.* at an expence to the company of upwards of 12,000*l.* and which, instead of retaining for the defence of India, he squandered in the shameful manner stated in the charge. Mr. Paull concluded a long speech by a picture of India when lord Wellesley was superseded, by lord Cornwallis. Notwithstanding, said he, the bills thus drawn, the specie remitted, and the supplies obtained from China, in consequence of false and fraudulent representations, and in violation of law, the debt exceeded 31,000,000*l.*; 5,000,000*l.* more were to be provided for the next year; loans were open all over India; the treasury empty; and, in consequence of the profuse, extravagant, reprehensible, and illegal expenditure of the public money, lord Cornwallis was forced once more to seize upon the treasures destined for China.—So much for the finances. And as to the political situation of India, we were at war with Holkar; not certainly at peace with Scindia; a confederacy forming to drive us from India; and the universal estrangement of all descriptions of the natives—the consequence, said Mr. Paull, of the system of lord Wellesley; a system of iniquity, of oppression, and blood; adopted on his arrival, and pursued, undeviatingly, until, fortunately for mankind, the arrival of lord Cornwallis drove him from Asia.—Mr. Paull moved, "that the charge be now printed;" which motion was seconded by Mr. Martin, the member for Tewkesbury.

Dr. *Laurence* said, that whatever might have been heretofore his opinion touching the propriety of printing the charges, before all the evidence in support of them was laid on the table, from what he had heard this night from the hon. gent. who had just sat down, he must second his motion, and support him if he persisted in it. At the same time he begged leave to submit it to his own discretion, whether it might not better answer his purpose, and less excite opposition, if he were to postpone his motion for a few days, until the whole of the papers, in support of the charges, should be laid upon the table.

Mr. *Paull* said, it would be useless for him to postpone a motion now, which he should feel himself again under the necessity of pressing upon the house, in the course of a day or two.

The Marquis of *Douglas*, said, he lamented his not being in the house on the former discussion, when he thought the house had not very properly rescinded the order it had before made for the printing of the charge. It was true, that the charge rested at present upon little more than the assertion of an hon. member, who, though unsupported and unprotected, made no motion which the proceedings of the house did not tolerate; but at present it was no more than a dead letter, which it was proper to revive or animate, by having the charges printed, in order to enable that house fairly to judge of it. When a member of that house, actuated by manly and honourable feelings, stepped forward in a public cause of the greatest importance to the Empire at large, and when that member was not only unsupported but discouraged, he felt himself impelled to assist in bringing this business to light. It would make a great impression on the public; and that house ought to consider what the consequence must be if they refused to entertain or consider this question. He had lately, he said, been led to enquire more than he did before, into the state of our affairs in India; and the result of his investigation was, that he found in the administration, many great and manifold evils, which, instead of assisting the finances of this country, must now become a burthen to it; and in fact, we were already advancing money as a loan to the company. It was therefore a considerable hardship to the people of England, to transmit its wealth to a foreign country, where it was not properly taken care of. He was of the opinion given some time since by an hon. gent. (Mr. Francis), that the members of that house would soon have to protect the finances of this country against the distresses of India. The alarming state of embarrassment to which the affairs of India were brought, shewed there was a latent gangrene somewhere, which ought to be probed, and the danger, if possible, obviated, which brought that quarter of the empire to the brink of ruin, before that ruin was complete, and should have plunged the country into fresh difficulties; for he considered India, which we were lately taught to view as a healthful and promising child of the parent state, as now exhausted by disease, clinging to the breast of the mother country, and ready to extract the last drop of her vital nutriment to prevent its own dissolution.

Mr. *Sheridan* observed that the hon. gent., in renewing his charges that day, had expressed a hope that he should not meet, from certain individuals, a repetition of the harsh treatment he had experienced on a former night. He was at some loss to understand to what it was the hon. member made this allusion. He was sure that nothing of an improper nature would have been suffered to pass without the interposition of the chair. Who the individuals alluded to were, he could not tell; but, with respect to himself he had moved to discharge the order for printing the charges, not merely from any objection to their appearing in print, but because the printing of the charges could answer no purpose, unless they were accompanied by the evidence upon which they were to be supported. Certainly, in some of the papers since produced, there was much matter which appeared to support some of the hon. gent.'s charges against the noble marquis; for instance, the paper No. 8; and so far as that went, the objection to printing *now* was less strong than upon the former occasion. But the grand principle upon which he had first resisted the printing of the charges before the whole evidence was ready, was very little abated even yet. The hon. gent. had moved for 40 other documents not yet before the house; an honourable relative of the noble marquis had also moved for 40 other documents on the part of the defence, not yet forthcoming. These, whenever they were produced, would still remain to be printed. The hon. gent. had said, that if the India directors would do their duty, they could bring forward those papers in a day or two. He had, however, the assurance of persons very conversant in India business, that it would be impossible to produce them in the course of the present session. Now, in such a case, would it be proper that the charges should go forth in print unaccompanied by the testimony upon which they were avowedly founded? It was upon the ground of this defect that he had abstained from reading any part of the charges, or the documents hitherto produced, until he should have the whole before him. He should then have no objection to printing the charges, as then they would come fairly forward for consideration.

Mr. *Lee* adverted to the four precedents alluded to by the hon. mover, and contended that they made against the order of his proceeding. In the case of lord Coningsby, the evidence was previously brought and laid upon the table. Four years before the impeachment of Mr. Hastings, a committee was appointed, to enquire into his conduct, and made their report against him; after which, Mr. Burke came down to the house, and after the report was received, moved that it should be printed before he exhibited the articles of charge. In the third case, that of sir Elijah Impey, the house had, two years before the articles were printed, voted an address to his majesty, praying for his recall; and, lastly, in lord Melville's case, the house had before it full and complete evidence in the several reports of the naval commissioners. He said he did not mean to give any opposition to the motion, though he thought it right to let the hon. gent. see that he was not supported by his precedents; but as he understood that there were some of the papers moved for, which could not possibly be produced in the course of the present session, the house, he thought, should pause before they gave public circulation to the charge.

Mr. Secretary *Windham* declared his opinion to be decidedly in favour of printing the charge, and he could not help considering the treatment experienced by the hon. member who brought them forward, as extremely harsh: for instead of stretching out to him the hand of encouragement to prosecute enquiry in the cause of justice against a person high in power, he had met with nothing but discouragement; he had been thwarted and embarrassed in every step he had taken; nay, exposed almost to personal disrespect, sarcasm, and even ridicule. Such a conduct from any portion of the house towards any individual member, certainly was not very decorous, nor yet very politic, as it tended to discourage members from bringing forward impeachments, when, to their own minds and conviction, they conceived themselves warranted so to do, by acts of public delinquency. If this were a case where the accuser was considered and known to be a person of such character and description, or the charges themselves, *primâ facie*, so absurd, or improbable, as not to deserve being entertained for one moment; in that case, such discountenance would be justified. But no man had ventured to allege, much less to shew, that this was the case in the present instance. The hon. gent. was, he said, but a very slight acquaintance of his, having but very recently returned from India; he was here, it was true, an individual little known, unconnected, and unsupported; but he was not the worse qualified to bring forward the charge in this case, for if he had been long absent from this country, he was long present in that where the matter originated; and he founded his proceeding upon circumstances which, he alleged, had passed under his own observation. With regard to the argument of precedents stated by an hon. member, he would admit it was a good principle, upon which, in general, to act; but then, precedents should only operate in cases precisely similar. It was proper first, to read the charges themselves; but to read the evidence first, and the charges afterwards, would be to invert the regular order of proceeding. Besides, if members were to wait for the accumulation of such a mass of documents on both sides, before they commenced their own consideration, it was very possible that members would be discouraged from investigating such voluminous masses of matter. The right hon. secretary concluded by voting for the hon. gent.'s motion, though he certainly could have wished him to act by the temperate suggestion of his hon. and learned friend.

Mr. Secretary *Fox* said, he should vote for printing the charge. There was no great difference between himself and his rt. hon. friend (Mr. Windham) on the general principle. He agreed with him, that any member of the house had a right to present a charge. He would go farther, and allow that it was regular that a day should be appointed for its consideration. But now they were on a question, whether it should be printed without evidence, or scarcely any notice of evidence. He would not even there differ with his right hon. friend, as to the right, but at the same time when a member did this, without there being any necessity for it, he must say that his mode of proceeding was injudicious; and that he would have done much better, had he waited for the evidence. He might then say, 'there is the evidence, and you may compare the evidence with the charge,' and know how far it is well founded. Now it was possible, undoubtedly, that a member in calling for papers, might be told when his object was not exactly understood, "bring forward your charge, otherwise we will not grant you your papers." But, in this case, a variety of motions for papers had been made, none of which had been over-ruled, at least none that had been made by the hon. gent. himself. But he might have proceeded in another way, and have said, "there is the charge, and, to prove this, such and such papers are necessary." But the hon. gent. moved for a variety of papers first, and then brought forward a charge to which scarcely one of them applied. This conduct he certainly thought preposterous in the truest sense of the word. If any of the ridicules and discouragements to which his right hon. friend had alluded, though he knew he did not refer to him particularly, were employed on this account, he, for his part, did not repent what had been done. The hon. gent. had that day, as usual, made a long speech, and certainly it would have required a mind of no ordinary sagacity to discover the connection between things so remote and apparently so little connected with the subject as those which he had introduced. He had, however, discovered some papers which bore on his charge. Now some said that these papers would be ready soon, and others affirmed that they could not be ready for some time. The present mode, however, was regular, though he thought that a different one would be far more eligible. But here again the hon. gent. demanded that the charge should be printed. This was a sort of language to which the house would not listen with great complacency, in a matter where its own convenience alone was to be considered. The demand then was indeed inconsistent with the principle on which papers were printed by the house. "Demand," he did not say "publish," though certainly it appeared as if this had been the hon. gent.'s object. But he hoped that the house would not be led to print papers upon any improper pretences. He would, however, vote for the printing of the charge, not because it was demanded, but because it would suit the convenience of the house. Now, one word as to the general way in which this business had been conducted. All the papers moved for had been granted, except one which had been called for by a noble friend of his (lord A. Hamilton). He wished that the house would arrange some mode by which all the various papers could be soon procured, that the house might be allowed some repose; for it was certainly unpleasant to have papers continually called for, and opinions given, and questions debated on every occasion. He wished to know when all the papers would be moved for. Mr. Burke, in the course of his proceedings in preparing the way for the charge against Mr. Hastings, carefully abstained from provoking debates on the merits, before the matter was fully before the house, and he wished that his conduct had been imitated in the present instance. As to the question now before the house, he agreed with his right hon friend that it was of little consequence which way it was decided. As to any communication which the hon. gent. had with him, he had given him his opinion, and on good grounds, that he was adopting a very injudicious mode of proceeding.

Mr. *Paull* explained. He said, that out of 99 papers, for which he had moved, only 11 were produced; of these, only 3 were immediately relevant to his purpose. The Bhurtpore papers were not presented, nor any others that he moved for, except those relative to Oude.

Sir *A. Wellesley* said, that the practice of parliament in such cases had already been shewn to be, that the evidence should generally, if not always, precede the charges, and he saw no necessity for deviating from that rule on the present occasion; though he admitted, that every case should stand upon its own peculiar merits. The charge of the hon. gent. against his noble relation, was for squandering the money of the East-India Co. in unnecessary purposes of personal splendour; but the papers hitherto produced (those of Oude) applied to charges of which as yet he had given no notice. With regard to the money taken from the Canton treasury, his answer to it was, that this and other proceedings which were adverted to, had received the approbation of the court of directors, and that if the money were so disposed of, there was a proportionate increase of assets both at home and abroad. As to the observation, that he himself was implicated in some of the proceedings, his short reply was, that what he did in India, was in obedience to the orders he had received; and for the manner of that obedience, and its immediate result, he was ready to answer, either to that house, or to any other tribunal in the realm.

Dr. *Laurence* adverted to the precedents which had been quoted in the course of the debate, particularly that of Mr. Hastings, none of which he conceived bore on the present case. He declared, that his sense of the business would have been, for the hon. gent. who made the motion, to have withdrawn it, and waited until the evidence was before the house; but, as he had not thought proper to do that, he could not, as the business now stood, see any good reason against printing the charge.

Lord *H. Petty* was inclined to think, that it would have been much better if the hon. gent. who made the motion, had agreed to the first suggestion of the learned gent. who seconded it, and not pressed it on the house. He also conceived that it was of no importance whatever, whether the charge was or was not now printed; but he thought it was always the object of the accuser, to bring forward his charge and his evidence at the same time; what evidence was sufficient, lay with him entirely to determine. In the present case, therefore, he considered the hon. mover as the best judge, whether the evidence on the table were sufficient, and he would therefore move for the printing of the paper.

Mr. *Bathurst* was of opinion, that this motion ought not to have been pressed, but he did not think because it was pressed, that therefore the house should agree to it. He did not pretend to say, that there were no cases in which charges might be produced before evidence, but he believed there were none except those with which, as they originated at home, the members were acquainted. The hon. gent. then said, that as the hon. mover would not agree to withdraw his motion, he thought a motion for the order of the day would be most applicable, and concluded by moving the previous question.

Mr. *Corry* seconded the motion, as, he said, it would put the parties into a relative situation, one with another. It would be no hardship to the hon. gent. who made the original motion, as the papers to substantiate the charge were not before the house; and it would appear as if the house of commons were resolved to support him throughout, if the paper were allowed to be printed.

Mr. *W. Smith* said, it appeared to him to be rather an irregular mode to print the charge before all the evidence was produced. The very circumstance of some of the evidence being already before the house, was a reason against it, and he therefore would vote against the original motion.

Mr. *Johnstone*, in part, coincided in opinion with the right hon. secretary of state. He, however, differed with him in many essential points; and, after arguing the question for some time, he declared that he felt himself precluded altogether from giving any vote on the occasion.

Mr. *Grant* said, that if the question before the house were to be influenced by the expectation of having the papers which were moved for, laid upon the table in a short time, he thought it a duty to state his opinion that this expectation could not be fulfilled. The court of directors was always eager to obey the orders of the house: there would be no intentional delay, but the papers moved for both by the hon. gent. (Mr. Paull) and the hon. general (sir A. Wellesley) were so voluminous, that it was not possible to get them prepared in a very short time. Mr. Grant said there would also be a necessity for calling for other papers, because the hon. gent. (Mr. Paull) had in his speech that night, and formerly, advanced positions respecting the causes of the company's debt, and particularly the alledged increase of it from supplying funds for the commerce of the company which he (Mr. Grant) had before combated, and which he should feel it to be his duty, if no one else would undertake it, fully to disprove by documents to be called for from the India house. In like manner, the hon. general appeared to have, in the list of papers moved for by him, included some which seemed to bear upon certain points in the conduct of the court of directors lately animadverted upon in that house; and it might be necessary to move for additional papers in order to bring those points fully before the house. He alluded particularly to a reference which had been made on a former night by an hon. gent. (Mr. W. Pole) to a proposed dispatch of the court of directors upon which that hon. gent. had been pleased to arraign them, although that dispatch was not before the house, although the house would not admit it to be produced, and although the hon. gent. acknowledged he had not read it.—With respect to the question now under consideration, Mr. Grant said, the inclination of his mind was that the charge should not be printed until it was accompanied by the documents on which the proof of it rested. Feeling this to be the fair and candid way of proceeding, he would avow his opinion, because having unfortunately had occasion to take rather a prominent part in many of these questions, and being likely to see it his duty to do so again, he found his only support, in the painful predicament in which so much collision with the feelings and opinions of others placed him, to be, in the consciousness of honestly following the dictates of his own mind.

Mr. *Windham*, in explanation, said that when he had before delivered his opinion, he conceived that the hon. gent. would have withdrawn his motion, but he now thought, that the motion lately made by his hon. friend, reconciled every thing, and he would support it.

Mr. *Paull* desired to be informed, what mode of proceeding he should adopt, as he did not wish to persist against the sense of the house?

The *Speaker* wished to know the hon. gent.'s object before he gave any opinion, namely, whether the hon. gent. meant to withdraw his motion, or put it to the vote?

Mr. *Paull* expressed his willingness to yield to the wishes of the house. Therefore, although contrary to his own opinion, he should, agreeably to what appeared to be the prevailing sentiment, consent to withdraw his motion.

Mr. *Bathurst* observed that his motion was in the hands of the house. Upon which a division was called for; the gallery was ordered to be cleared, but after some conversation both motions were withdrawn.

[Pig Iron Duty Bill.] Lord H. Petty then moved, that this bill be read a second time.

Mr. *Ross* said, that from all the enquiries he had been able to make, and all the information he had collected on this subject, it appeared to him that this tax would be of great detriment to the general interests of the country. He contended that it would bear harder on the farming interest alone, than the duty on horses employed in agriculture, which had been proposed and abandoned during the last session. Besides which, its operation would extend to almost every species of manufacture carried on in this country.

Lord *H. Petty* said, that he was aware of a variety of objections to which the bill was liable; though he was decidedly of opinion that the inconveniences attending the tax had been considerably over-rated. He should wish, however, that full time should be allowed for the mature consideration of the tax in all its bearings and consequences; and on this account he would propose, that the bill be now read a 2d time, and that the house should enter more fully into its merits in the committee, on Friday next.

Sir *J. Wrottesley*, with a view to disencumber the debate on Friday, would ask now, whether any thing was proposed to be done to obviate the difficulty of giving a sufficient drawback to the manufacturers engaged in the export trade? A number of gentlemen in town, whose opinions deserved the attention of the house, thought the proposed drawback insufficient, as it seemed the utmost to be allowed, did not exceed 4*l.* per ton. The deductions on account of the ordnance and naval stores, would be considerable. The hon. baronet then proceeded to point out some omissions in the returns of the consumption of iron in the navy, made to the house from the navy board; and expressed a hope, that the noble lord would use his influence to procure every information for the house, connected with the subject.

Lord *H. Petty* stated the amount of deduction for iron used in the ordnance, and for the navy departments, to be altogether 51,460*l.*; the drawback on foreign iron 13,770*l.*; that on British iron 123,000*l.*; making a total, with 5000*l.* the estimated expence of the collection, of 193,000*l.* to be deducted from the produce of the tax. The average of the drawback was 4*l.* a ton.

Mr. *Wilberforce* considered this tax as so inconsistent with the fundamental principles of taxation in its tendency and effects, that he trusted the noble lord would see reason to withdraw it. On this account he would leave it to the calm consideration of his own mind.

Mr. *I. H. Browne* said, that he would have objected to the tax upon the first proposition of it, if it were not for his reluctance to oppose a plan of taxation founded generally upon the views and system of his late right hon. friend, the predecessor of the noble lord.

Lord *A. Hamilton* expressed his disapprobation of the tax, but reserved the avowal of the particular grounds of his opposition until the bill was committed.

Mr. *Vansittart* observed, that, in the committee, many modifications of the bill could take place. An hon. baronet had mistaken the extent of the proposed drawback; 4*l.* per ton had been calculated upon as the average, and not as the highest allowance.

Mr. *Canning* felt reluctance in opposing any of the measures for procuring supplies in the present situation of the country. But the objections to the present tax were so numerous, and had been so strongly urged in various representations which he had received on the subject, that he would recommend it to the noble lord, to turn over in his own mind the possibility of substituting some other less objectionable tax in its room. He contended that it would raise half as much more from the agricultural interest alone, than had been proposed by the tax on horses employed in husbandry which had been abandoned in the last session, while all other classes of the community would be affected by it.

Mr. *Fellowes* was not apprehensive that the tax on iron would affect the farming interest in the proportion which had been mentioned; but he feared it would go a great way towards annihilating the export trade, which, when once diverted from its channel, it would be extremely difficult to bring back again.

Mr. *W. Smith* said, it was not only in the iron used for shoeing horses that the farmer would seriously feel the tax, but in other uses, which made the consumption with him large.

Mr. *Rose* said, that a farmer who had four horses in his team, would pay at least 40*s.* a year under the tax.

Mr. *Babington* thought that the general effect of the tax would be severe; but in checking the machinery of the country, he apprehended its operation would be particularly injurious.—The bill was then read a 2d time, and committed for Friday. The order of the day for the committee on the Property Tax bill on Friday was discharged, and the same ordered for Monday next.

HOUSE OF LORDS.

Tuesday, April 29.

[Minutes.] The house met at 10, and about 11 proceeded to Westminster-hall, to attend the trial of lord viscount Melville.—The bills on the table were previously forwarded in their respective stages. Amongst these, the 3 million Exchequer Bills bill, the Tea Duty bill, the Irish Bank Note bill, and the Irish House Tax Repeal bill, were read a third time and passed.—Their lordships returned to the house about a quarter before four.—Strangers were for some time excluded, during which an order was made to proceed on the trial of lord Melville the next morning, and a message was ordered to be sent to the Commons to acquaint them therewith.

[Witnesses' Declaratory Bill.] The house then took into consideration the amendments made by the Commons in the Declaratory bill respecting the liability of Witnesses to answer. A conversation of considerable length ensued, in which lords Eldon, Hawkesbury, Holland, Ellenborough, and the lord chancellor; the earls of Suffolk, Rosslyn, and Stanhope; and the duke of Norfolk, took a part.

Lord *Hawkesbury* moved, "that the farther consideration of the amendments be postponed till to-morrow;" in order that the attendance on a topic of such importance should be fuller, and to afford certain peers, who, he had reason to think, wished to speak, an opportunity of delivering their sentiments.

Lord *Eldon* thought the bill wanted some farther alteration or amendment, not deeming it, in its present shape, a bill declaratory of the law, as declared by the learned judges, or the greater part of them; or according to their conceptions of what the law really was, as he had an opportunity of knowing, from a personal communication with some of them. Its tenour was different from that of other declaratory bills, for it went to declare, not what the law was, but what the law was not. He thought, under what had been thrown out on the subject, they should pause, and not pass the bill in its present shape. It involved legal considerations of the greatest importance, and in a way likely to affect many of their lordships, for instance, those who were great landed proprietors. The word "only" in the bill, on which so much stress had been laid, as rendering the declaration sufficiently definite, and as likely to prove a sufficient guide for the judges in the courts below, he thought would not be so efficacious, and in the interval proposed, he thought he should be able to determine upon some further amendments, which would produce the desired effect.

Lords Holland, Stanhope, and other peers, defended the bill, under the circumstances of the case, as it now stood, and were adverse to any further delay to its passing, which they contended ought speedily to take place; it was also observed, that the bill with the amendments had lain on the table for several days, and noble lords had had sufficient time to have called the attention of the house to the subject.

The *Lord Chancellor* defended the bill in its present shape, upon the legal grounds he had formerly adduced in support of it; and contended, that the declaration, as so worded, would, by confining it to the single species of demurrer, be a sufficient rule for the learned judges. The bill, however, he observed, had improperly been called *his* bill; though his was the hand that presented it to the consideration of their lordships, it was founded upon the proposition of a noble and learned lord then present. In future, should he propose any thing in the shape of an act of parliament to their lordships' consideration, it should be purely his own; and then he should rightly have to stand or fall by its merits or demerits.

Lord *Hawkesbury*, in further explanation, observed, that though the bill, with the amendments, might have lain for several days upon the table, yet it was incumbent upon those, in the case of a legislative measure of such importance, urging the passing of the bill so amended, to give some notice of the time they proposed for the consideration of such amendments, and to have the lords summoned thereupon.—After some further discussion, the question was put, and the original motion for taking the amendments into immediate consideration, was negatived without a division. The amendments made by the commons were then formally taken into consideration and agreed to.

[Corn.] Earl *Stanhope* rose to make a motion, which, in his mind, was of the utmost urgency. He had been given to understand by a noble lord (Auckland), that there would be no objection to the motion with which he should conclude; but he felt its object to be of so much importance in its nature and probable effects, that no time should be lost in submitting it to their lordships.

Lord *Ellenborough* rose to observe, that if the motion which the noble lord meant to bring forward, was of such very great importance, he begged leave to submit to him, whether it was not improper to bring it forward in so thin a house.

Earl *Stanhope* said, that the object of his motion, in the first instance, was merely to move for important information to be laid before the house. If the noble and learned lord had been in possession of that information, he would not be so forward in proposing delay, and that respecting a matter which so vitally concerned the great majority of the community. The most imminent danger hung over the present situation of the country, and not only the comforts, but the wants of the people might be put to hazard.

Lord *Ellenborough* rose again, and called the noble lord to order. It could not be fairly said of him, that he treated any thing that regarded the subject with levity. No man was more alive to the interests of the subject than he was; and he could give no better proof of that respect for them, than the wish he had expressed, that whatever concerned the people should be seriously and deliberately discussed.

Earl *Stanhope* contended, that the learned lord seemed not to be aware of the difficulties and dangers to which he alluded. There was no knowing to what an alarming degree a scarcity might soon be experienced. The experience of former times should have taught us better. It ought to be recollected, that in the course of 15 years, about 45 millions sterling had been sent out of the country for the purchase of corn and grain, &c. when even there existed more facilities of procuring it, than we were likely soon to possess. The ports of the Baltic would be, or were already, shut against us; and whither were we then to look for any immediate supply? With the intention of bringing this subject more fully and fairly before their lordships, he should now move, that there be laid before the house an account of the quantity of corn, grain, rice, &c. imported into G. Britain since the 1st of Jan. 1806; also an account of the exports of the same during the same period.

Lord *Moira* could not remain silent, after hearing and weighing the tendency of the assertions made by the noble earl. He did not rise to oppose the motion, but to observe somewhat upon the tone and arguments with which it was introduced. He did not pretend to be in possession of the minute and accurate information upon this subject, which he knew might be brought forward by his noble friend (lord Auckland), but still he thought himself bound in duty to counteract, as far as lay in his power, the ill effects which might arise from the alarming language and insinuations held and thrown out by the noble earl upon such a delicate and important matter. As far, therefore, as he had any knowledge of the present state of the country, and of the very promising aspect of a plenteous harvest, he would readily take upon himself to assert, that there was no room whatsoever to entertain the most distant apprehension of the danger the noble earl seemed to forebode with so much emphasis and earnestness. He was sorry such an idea should go abroad upon such grave authority: and he was conscious it was his duty, as far as in him lay, to set the little authority he might have upon that point, in opposition to that of the noble earl.

Lord *Auckland* could not well express his thanks to the noble earl who spoke last for the favour he had done him, by taking off his shoulders the weight he felt imposed upon them by the observations of the noble lord who made the motion. It was true, that the noble lord had shewn him the motions he had made, but as many other matters were then pressing upon his mind, and as he had no idea of the language and manner with which the noble lord had prefaced them, he had signified no intention of objecting to the motion which the noble lord was to make. But when he heard the noble lord thus causelessly sound an alarm of scarcity, and set forth that alarm on such groundless reasons, he felt himself called upon to say more than perhaps he should be justified in saying under other circumstances. Not only therefore was he warranted in concurring with his noble friend, in asserting that every thing in the aspect of the harvest was of a nature to preclude all apprehensions like those which the noble earl's speech was calculated to send abroad, but he had moreover the satisfaction to state, that not only the ports of the Baltic were not shut against us, but that there was even no apprehension that they would be shut. There was consequently no ground whatever for the alarm upon that subject, which the language of the noble earl was of a nature to propagate.—The question was then put upon lord Stanhope's motion, and agreed to.

HOUSE OF COMMONS.

Tuesday, April 29.

[Minutes.] The house met at ten o'clock, pursuant to order, for the purpose of proceeding to Westminster-hall to prosecute the trial of lord Melville. The managers left the house first, and repaired to the place assigned them in the court, after which the members went out according to the alphabetical order of their several counties, beginning with the English counties and ending with those of Ireland. About four o'clock the house returned to its ordinary place of meeting, for the dispatch of business, as usual.—A message from the lords announced their assent to the Irish Bank Note bill, the Exchequer Bills bill, the Tea Duty bill, and the Irish Hearth Duty Repealing bill; and also that the lords had determined to proceed further in the trial of lord Melville the next morning at ten of the clock. The Speaker then took this opportunity of stating that he would, as he had done that day, attend punctually at ten o'clock the next day; that at a quarter past ten the serjeant at arms would be sent to clear the passages, and that at half past ten, the managers would go forth.—Lord H. Petty reminded the house, that he had given notice of a motion on Friday, for leave to bring in a bill for the better regulation of the office of receiver-general of customs, and took this opportunity of giving notice, that he should on the same day move for leave to bring in bills for better regulating the offices of receivers-general of excise, of stamps, and of the post-office, and the office of surveyor-general of woods and forests.—Mr. Meheux presented the Furruckabad papers moved for by Mr. Paull. Mr. Paull moved that they should be printed, and, at the same time, begged the house to observe the small bulk of those papers which had been represented as so voluminous. Mr. Creevey said, that the hon. gent. was under a mistake, as the Furruckabad papers had not been represented as very voluminous, though the papers relating to some of the other places had undoubtedly been so represented. Mr. Paull was proceeding to defend the correctness of his statement, when he was called to order. He then said that he was the only person who was kept to such strict order on these subjects; upon which the Speaker appealed to the house whether he deserved the imputation now cast upon him. The papers were then ordered to be printed.—On the motion of Mr. Foster, the house resolved itself into a committee on the Linen act. Mr. Foster stated, that the object of going into the committee was this. It had been the policy of this country to encourage the export of our manufactures, especially those that were common both to G. Britain and Ireland, such as that of linen. Drawbacks had accordingly been allowed, so as to give the decided preference to the exportation of our own manufactures over those of other countries. His object then was, to place the drawback on plain linen in the same situation in which it was before the act of last year. He concluded by moving a resolution to this effect, which was agreed to.

[Election Treating Bill.] Mr. *Tierney* moved the further consideration of the report of this bill, for the purpose of having it recommitted, as the amendments made in the former committee did not meet the approbation of a right hon. gent. (Mr. Fox) not then in his place. It was suggested to him, that he should allow the voter to be conveyed at the expence of the candidate to the place of election, but he could not agree to allow him a sum of money to defray his own expences. The amendments he proposed, when the bill should be recommitted, would be for the most part verbal, and, therefore, not likely to provoke any discussion.

Sir *R. Buxton* thought that the candidate ought to be at no expence with respect to the voters, and would rather have the law as it was, than agree to pass the bill with the amendment.

Mr. *Paull* thought that, however the bill might be disguised, its effect would be to diminish the number of voters, and for that reason he would oppose it.

Lord *A. Hamilton* said that his objections went to the principle of the bill; and as to the recommitment, there was only one clause in the bill, and that one involved the principle itself. He was against it therefore, though he believed the right hon. gent. could have no motives in this business except such as were pure and honourable.

Mr. *Tierney* said he had no personal interest whatever in the bill; as, in the place he represented, the law on that point was already settled, and he only wished to extend the benefit of it to all parts of the country. He would rather give up the bill altogether, than have any new doubts started on the law. He stated before, that he did not object to the candidate providing carriages, but the giving of money for that purpose. This bill was no more than explanatory of the act of William III. and he thought if it should be rejected, it would be right, for the purpose of ending all doubts, to declare, that the candidate should in future pay the conveyance, as well as the expence of travelling.

Mr. *Francis* thought that the amendment would alter the principle of the bill considerably. Carriages were to be allowed to convey the voters, but how were they to be conveyed; alive or dead? An hon. gent. behind him whispered "dead drunk." Well, be it so; but if you gave the voter nothing to eat or drink, in a journey of 200 miles, he would scarcely be alive by the time he came to the place of polling; or, if he were alive, he would not be able to vote.

Mr. *Baker* contended that the candidate ought to be at no expence; but this bill would do so little, that he thought it better the law should remain as it was.

Mr. *Spencer Stanhope* thought this bill better than no bill at all, as it was impossible to leave the matter as it was. He thought that it would be better to regulate the expences of the candidate, for he was of opinion that any law which went to do them away altogether would be evaded. It was a wise saying of Solon to the Athenians, "I do not give you the best laws possible, but the best which you can bear." We ought to keep this in mind.

Mr. *Graham* no longer considered it as the same bill to which he had given his support. He thought that the right. hon. gent. had now completely abandoned the original principle with which he had set out. The subsistence of the voter was as necessary to be provided for as his conveyance. He stated that he had been credibly informed that the last contested elections for Middlesex had cost the parties 30,000*l.* in the article of conveyance alone; and therefore thought that the bill, as it was proposed to be altered, would be perfectly inadequate to its original purpose.

Mr. *Rose* thought the country was under great obligations to the right hon. gent. for bringing the matter forward; as it was necessary that the point should be decided in one way or the other. He was rather indifferent in which way that decision should be made; but he preferred the mode of exempting the candidate, as it would be impossible to equalize the expences; for 2*s.* a day may be an object to one elector, when 10*s.* a day would scarcely be an object to another. The law at present was extremely doubtful; for on two eminent lawyers being consulted on this point, in a case that occurred at the last general election, one of them declared, that he was convinced the law was one way, but he was of opinion, that the committee would decide the other way.—The house then divided on the question, whether the bill should be recommitted. Ayes 24; Noes 14. The bill was then re-committed and reported, and the report was ordered to be further considered on Friday.

HOUSE OF LORDS.

Wednesday, April 30.

[Minutes.] Their lordships met again this day, at ten o'clock; and after reading a part of the bills upon the table, they were marshalled in the same order and manner as yesterday, and repaired to the high court of parliament, in Westminster-hall. At four o'clock their lordships returned to the house, in which they remained for some time in close discussion; the order for the exclusion of strangers being strictly enforced. The bills upon the table were forwarded; and their lordships ordered, that a message be sent to the commons, acquainting that house that they had agreed to the amendments made in the Witnesses' Liability bill; and also, that they would proceed further with the trial of lord viscount Melville, at ten o'clock to morrow.

[Beckwith's Estate Bill.] On the order for the second reading of this bill,

The Duke of *Norfolk* strongly objected to it, chiefly in point of principle, as alienating, in the way proposed, a portion of ecclesiastical property; and as tending to set a precedent of the most dangerous nature in that respect.

The Bishop of *St. Asaph* defended the bill, chiefly on the ground of its particular merits, and the circumstances under which it proceeded. In this view, the reverend prelate was led into a detailed consideration of the measure. He as little wished to see numerous bills of the kind, as the noble duke possibly could; but it did not follow, that cases might not arise in which such a legislative measure might be proper. He strongly recommended the bill going to a committee, in which the adequacy of its provisions might be fairly considered; and where it would be seen, that a full and honest equivalent for the transfer of the property, was proposed, and that the lessee had dealt even liberally on the occasion.

Lord *Eldon*, as being decidedly hostile to the principle of the bill, was rather averse from considering the propriety of such a measure under the particular circumstances of the case. The precedents which had been adduced, instead of favouring, went, he thought, in condemnation of the measure. The noble and learned lord then went into a detailed view of some of the provisions of the bill; the effect of several of which he seemed to disapprove.

The Bishop of *Lincoln* concurred with the noble duke and the learned lord, that the principle on which the bill was founded, as a general one, was strongly to be reprobated. However, when he considered the peculiar circumstances which gave rise to the present bill, he had no appehension of many applications being made to parliament, for measures of the kind; the rev. prelate then entered into rather a detailed statement of the attendant circumstances. His lordship defended the bill under the peculiar circumstances, and urged the propriety of its going to a committee, where it might be modified so as to do away many objections. He thought the measure itself would be productive of much benefit, and he had no fears as to its operation in the way of a precedent.

Lord *Ellenborough* felt his objections to the principle of the bill so strongly, that nothing which a committee could do, could reconcile him to it. In a more enlarged view of the possible effects of such a principle, he was led to consider the sacredness of the ecclesiastical property of the country, and alluded to a project which was entertained even by a member of that house, for laying hands on the same, for state purposes, towards the close of the American war. He adverted to the deplorable consequences which had resulted in France, from acting on such a principle: and deprecated the steps which were now taking upon it, in a part of the Spanish dominions. After animadverting on these important considerations, he reverted to the bill in question, and censured its principle, among other very objectionable points of view, as tending to the extinction of the prebendal character. Deeming the bill incurable in a committee, he felt it his duty to oppose its further progress.

Lord *Holland* thought it but fair the bill should go to a committee; and, after some observations upon part of what had fallen from the noble and learned lords, said, the third reading of the bill would afford a more regular opportunity for discussing the principle of it.

Earl *Spencer* was of opinion the bill should be suffered, at least, to go to a committee, were it only in justice to the parties; in this view, he made some observations on what had been alledged in favour of the bill, of which he thought several of the kind had met with the sanction of parliament.

The *Lord Chancellor* made a few remarks on what had transpired in the course of discussion; under the circumstances of such a bill as that under consideration, he thought the present not the stage to resist the principle of the bill, which, he was of opinion, ought to go to a committee.—Lord Eldon and the duke of Norfolk spoke shortly in explanation.—The question was then put, and their lordships divided; when there appeared, For the second reading of the bill, 9; against it, 5.—The bill was then ordered to be referred to the consideration of a committee.

HOUSE OF COMMONS.

Wednesday, April 30.

[MINUTES.] A message was received from the lords, stating, that they had agreed to the amendments made by the commons to the Witnesses' Declaratory bill; also that their lordships would proceed farther in the trial of lord viscount Melville to-morrow morning, at 10 o'clock.—Mr. Goulding gave notice that he should on Tuesday next propose the second reading of the Nabob of Arcot's bill.—On the motion of sir John Frederick, the Surry Coal Delivery bill was read a second time, and ordered to be committed to a private committee.—On the motion of Mr. Manning, the London Wet Dock bill was read a third time and passed.—Mr. Yorke, with a view to obtain a just estimate of the probable effect of recruiting for a term of years, wished the house to be in possession of the total amount of the army in the American war, for the purpose of shewing what proportion the men raised for limited service bore to the general amount. He therefore moved, that there be laid before the house an account of the effective force of the regular army on the British establishment, rank and file, distinguishing those for limited and unlimited service, and distinguishing cavalry from infantry, for each year, from 21st December 1774, to 21st December 1784, distinguishing each year. The Secretary at War said, that he had no objection to the production of the account, which, when produced, would shew that the recruiting service was considerably advanced by the principle of enlistment for limited periods.—Lord Castlereagh thought, that certainly the best opportunity for discussing that subject, would be when the papers should be before the house. But he believed the right hon. gent. would find, that, upon a comparison of any seven years of the last war, with a similar period of the American war, it would appear, the number of recruits for unlimited service, greatly exceeded those for limited service; and that it was not until after the surrender of the Saratoga army, that the raising of men for limited terms was adopted, and then under circumstances which afforded no fair criterion to judge comparatively of its effects; for the recruiting service was urged with unprecedented activity by the Corporation of London, and other great public bodies throughout the kingdom. The motion was then agreed to.—On the motion of the lord advocate of Scotland, it was ordered that the house do to-morrow resolve into a committee of the whole house, to consider of proper augmentations to the salaries of the judges of the admiralty in Scotland, and of the commissaries of Edinburgh.

[REPEAL OF THE ADDITIONAL FORCE ACT.] Mr. Secretary Windham moved the order of the day for the 2d reading of the bill for repealing the Additional Force act.

Sir *James Pulteney* rose to oppose the bill. He did not object to it from a principle of opposition to his majesty's ministers, but from the real conviction of his own mind; and whether connected or unconnected with ministers, he should have felt it his duty to have pursued precisely the same course, as if it was avowedly the object of this bill to make way for the adoption of another measure to which his dislike was equally strong. His reasons for opposing the repeal of the Additional Force act proceeded from two distinct grounds: namely, the great military principle, and what he should call the civil or minor principle. The military principle was that by which men were to be enlisted for the service, first, for a limited term of 5 years, and afterwards, if they should choose it, in a second battalion, with additional bounty for general service, without limitation of time or place. This he considered as a principle perfectly consistent with the spirit and objects of military service. The second principle, or that of raising men by the influence or authority of the parish officers, he considered much less important, and, for argument sake, he was willing to give it up, as wholly inadequate to any eligible or permanent purpose; but for the maintenance of the first principle, he was not only disposed, but ready to contend. In the first place, he thought it rather extraordinary that the rt. hon. gent. should propose the repeal of a bill, the leading principle of which was to give the recruit an option of enlisting either for limited or general service; and this at the very time when he avowed his intention, under this proposed modification, to adopt that principle as one of his indispensible propositions. But though the bill now proposed to be repealed gave to the recruit an option for the limitation of his services to time and place, the latter he thought the still stronger inducement, and that which, if any thing could more strongly than another reconcile the recruit to enlistment, it was this. Yet it was found by experience, that in point of fact this option had no material influence whatever in preventing men who enlisted for limited service, to extend the term afterward by enlisting for general service, and for life. In fact, the military principle of the present bill was such as to adapt itself to any mind, whether disposed for limited or general service, and it was with a view to the attainment of numbers, that it embraced both principles: so that it must answer every object proposed by any plan in the contemplation of the rt. hon. gent. as yet explained to the house. From the papers upon the table, the fact was evident, that the men who, under this bill, had enlisted for limited service, afterwards cheerfully offered themselves for general service, without any limitation, in the proportion of 17 to 20, and would have entered in a much larger proportion had it been allowed by government. It had been reported by officers of experience, that in many of the battalions entered for limited service, they could have enlisted every man for general service, had it been permitted by government: and in one place the whole body of 350 men enlisted at once for general service, with the exception of one man, whom the officer dissuaded, as he had 11 children. One of the principle arguments against raising men in this way was, that it cost double bounty. He would admit the bounty was something higher for general than for limited service; but if for the difference of 6 guineas per man, men were to be enlisted for life and general service, instead of temporary and local service, the difference would not exceed 120,000l.; and this was a sum which, in these times, it would be false economy to save, by foregoing so important an advantage to the service. But economy was not the principle upon which the plan of the rt. hon. gent. was opposed to this bill. It was said that by his plan, the men would be raised sooner than for general and unlimited service. He saw not, however, any great difference whether the men were raised in 3 months or in 6, if they were but obtained; and it was obvious from what had already been proved, that the difference between limited and general service had not such an effect in promoting or discouraging enlistment, as the rt. hon. gent. professed to think. He could not, therefore, discover any superiority in the plan he proposed, that could induce him to relinquish the principle, the advantages of which had been already so long, so uniformly, and so recently experienced. The observations he had already made were probably sufficient to prove, that the plan of the rt. hon. gent. had no advantages that could warrant the repeal of the present bill, or entitle that plan to a preference. But he begged leave now to offer a few observations upon its disadvantages: in doing which he should confine himself to the regulations proposed by the rt. hon. gent. himself. And first, as to his proposition for enlisting men for a limited term of 7 years, and discharging them at the expiration of that term, even in the midst of war. In support of this principle the rt. hon. gent. had stated the opinion of 14 military officers of experience, of whom, he said, 6 were for, and 6 against the principle, and 2 had given no decisive opinion whatever. Now, with deference to the rt. hon. gent., the fact was not precisely so, if he himself was rightly informed; for the question upon which the opinions of these officers were thus divided, was the general principle of enlisting men for limited instead of perpetual service: but on the subject of dismissing the soldier in the midst of a war, at the end of 7 years, or enlisting him upon any such condition, 11 out of 13 were decidedly against it, and 2 others, who had declared no opinion, might be fairly supposed to be against the principle also. He understood, indeed, that the military opinions of high authority, of no less a person than the great lord Cornwallis, and another experienced officer, were in favour of it for home service, and in times of profound peace. But with respect to foreign service, and times of war, the general opinion of military men was decidedly against it. The rt. hon. gent., in support of his principle, had pleaded the uniform usage of foreign services on the continent, and said, that until of very late years it was the uniform practice of all Europe. The rt. hon. gent., to be sure, had not relied much upon this argument; but he should himself be glad to learn in what service of Europe such a principle had obtained. In fact, it never had been the usage of any of the continental services, to enlist men for a limited term of service without annexing the condition of during the war. It certainly was not the usage of the British service, nor was it the principle of the Hanoverian service, where the men were enlisted in the same manner as in England. It was never the usage of any military nation in Europe: and even in the French conscriptions, where the service was nominally limited to 5 years, the conditional duration of the war was also stipulated. As to the other objects proposed by the plan, particularly that of obtaining soldiers of a superior character, he could not perceive any very prominent advantage. Discipline was the great and most desirable object, and that men of the meanest capacity generally learned in a short time, so as to enable them to practise all the manœuvres necessary in the field. He begged also to ask, whether it was probable that the way to attach a soldier to the service, or to good discipline, was to teach him to look forward perpetually to the termination of 2 or 3 years, which would free him from all subjection to the authority of his officers? He should ask also, whether the telling a soldier, that his profession was a bad mode of obtaining a livelihood, was a promising way to induce him to prefer or remain in the service, without perpetually looking forward to other views, or the imaginary comforts of other occupations? or whether a soldier on foreign service, looking anxiously forward to the termination of a short period, which must restore him to his native country, and his family, was more likely to sustain fatigues and hardships, or encounter dangers, and reconcile him to all the vicissitudes of a soldier's fortune, than if he had assumed the profession for life, and was conscious that, though he might escape one danger to-day, he might fall on the morrow? As to the argument, that soldiers were difficult to be raised because labour was highly paid for in this country, he thought the remedy by no means a good one to meet the disease; for if a soldier is to be told that his trade is a bad one, his reasoning will be, "then, why "exercise it at all?" It was said, those men would enlist again at the termination of their period, or would again be forthcoming on the commencement of a new war. Great numbers of men would undoubtedly be enlisted on such an occasion, particularly in the first or second year, but he believed that amongst them would be very few who were discharged after 7 years service. The country did not seem to him in a state that could call for a measure so new and extraordinary; and circumstanced as we now stand, surely no measure could be more improper than a proposition to discharge from the service, and even in the midst of a war, or on the eve of a most important emergency, the most valuable class of men in the service, who had been rendered good soldiers by 7 years service, in which they had been seasoned in various climates, and inured to all the habits of military life. With respect to foreign service, especially as we had garrisons of high importance in different parts of the world, and possibly might always have them, it might not be at all times in our power to anticipate, by fresh troops, the discharge of men in those garrisons, whose period of service might be expired. Would it then be prudent to enable one quarter, or one half of the men in such garrisons, and under such circumstances, to demand their discharge, and perhaps at a moment the most critical and precarious? One argument more in favour of the project was suggested, that all the men would re-enlist, but this he conceived to be merely ideal; for men taught in the very outset, and during the limited period of their services, that they might be able to get their livelihood better in some other way, would naturally be anxious to quit that service on the expiration of the term for which they were engaged. It would be impossible to attach men to a mode of life which they were told was to continue but for a short time. It was impossible also, that officers should not be extremely anxious to retain those men whom they had with so much care and attention trained to a knowledge of their duty; and surely it was infinitely better for the service, that the men should depend upon the officers than the officers upon the men. This was felt even in the militia, where the term of service was only for a limited term of 5 years, and the officers felt much disgust at being deprived of the disciplined flower of their regiments; and even in that branch of our defence, it had been found necessary to include the term during the war in the period of service. Upon the whole, then, conceiving the bill now proposed to be repealed, to be superior, in many respects, to the plan proposed for adoption in its place, he should not consent to its repeal, at least before the plan of the rt. hon. gent. came first before the house, and was subjected to some modifications which might render it less objectionable. But until that plan or one of a superior construction, was ready for adoption, to part with that now in operation, and which gave to the country all the advantages of enlisment, both for general and limited service, would, in his opinion, be extremely imprudent and improper; and therefore he should resist the motion.

Mr. *Mainwaring*, in a maiden speech, apologized for presuming to obtrude himself upon the House before so many other gentlemen infinitely more competent than he could pretend to be; but having pledged himself to express his opinion upon the subject, and feeling that, in an advanced stage of the debate, and after the delivery of abler opinions, and the display of so much powerful eloquence, he should have little chance in claiming any share of attention to his humble sentiments, he felt it necessary to rise thus early, and hoped for the indulgence of the house. He did not feel it necessary to examine very minutely the structure and machinery of the component parts of the bill proposed to be repealed; nor did he feel the present a fit opportunity for discussing the merits of another measure proposed in lieu of it. But he should have thought it more adviseable for the right hon. gent. to have waited until he had matured the plan in his contemplation before he had proposed the repeal. However, as there was a very principal part of the bill to which he had insurmountable objections, and as he felt himself forced reluctantly to vote against it, he rose to give the reasons which influenced him to that vote, the necessity of which he regretted, because, if those who brought forward the present proposition should succeed that night, it would encourage them to triumph in having got rid of this bill, merely to make room for another, the principles of which, so far as he had heard them explained, he by no means approved. His leading objections to the existing bill were, first, that it imposed upon churchwardens a species of duty wholly incompatible with their functions. Another objection he had to the bill was, that it was a measure of partial, and, in many cases, of oppressive taxation. It might be said that it was a measure of public defence, and that all measures of defence were necessarily measures of taxation; true but not of partial taxation, for a general advantage; for as the benefit of the defence was universal to the country, so also should be the principle of the taxation in support of it. The burthen should be equally divided in the same proportion, and under the same system of finance, as the other general taxes of the country brought forward every year, and not suffered to fall most heavily, as this certainly did, upon classes and individuals least able to bear it. Of the truth of this observation, it was his misfortune to have had much melancholy ground of observation, and perhaps it might be necessary to state some local circumstances, for the clearer illustration of his remark. The bill at first avowed for its object a burthen upon the population of the country at large; but where it could not be productive in raising the men, then it became operative in the way of taxation. But unfortunately it was not in the most populous parishes that the means of payment were most easy; consequently the heavier burthen fell upon the most numerous and the most indigent classes; and as the poor's rates formed the basis upon which the tax was assessed, it was not upon the splendid palace, or the wealthy and titled occupant, that the chief *onus* fell, but upon the industrious, and often distressed tradesmen. In the parish of St. Mary-le-bonne, for instance, amongst the lordly palaces and gorgeous squares, inhabited by persons of the first rank and fortune, the tax was only about 4d. in the pound. It was the same in the vicinity of Hanover-square; while in the parish of St. Giles the rate was 12d. in the pound, and it increased as it advanced eastward to 2s. 3d. and even 4s. in the pound. The basis, therefore, was obviously an unjust one, and the operation of the tax, comparing the means of those on whom it was laid, most partial and oppressive. It might be alleged, that where the population was so numerous, the facility of raising the men was the greater, and the parish officers deserved to be fined for their negligence. To this he would answer, the facility was not as stated: and the church-wardens, at least in the county of Middlesex, were obliged to submit to the tax as the only alternative, and the easiest mode left them. Having said thus much against the bill now proposed to be repealed, he fully agreed with the hon. baronet who preceded him, in the propriety of not abandoning a system of enlistment that had been found so productive for a project yet untried. He perfectly agreed in the trite, though vulgar adage of "leave *well* alone," for the attempt to improve it might have the contrary effect. The right hon. gent. he was convinced, in speaking of the feelings and sentiments of common soldiers, spoke of them rather as what they ought to be, than as what they really were. They were, he believed, a class of mankind rather actuated by the impulse of the moment, than by any views to remoter considerations, and by no means as men of the refined feeling or sentiments which the right hon. gent. appeared to consider them as possessed of. Having thus expressed his general sentiments, he concluded by declaring, that he should vote for the repeal of the bill, so far, at least, as it was calculated to oppress parishes and their churchwardens.

Mr. *Canning* rose and spoke as follows:—I gave way, sir, with the greatest satisfaction to the hon, gent. who opened this debate; because in the very extraordinary situation in which the house is at present placed;—called upon as we are to discuss questions, not immediately perhaps within our province or capacity, questions of a purely military nature;—and having been denied by his majesty's ministers those lights which are to be derived from the opinions of high military authorities;—it is certainly very desirable that we should avail ourselves to the utmost of whatever professional knowledge and experience we happen to possess among ourselves; and it is peculiarly fortunate that we do possess, in the person of the hon. gent. and others, a degree of that knowledge and experience sufficient to enlighten and direct our decisions. If Sir, from this feeling I gave way to the hon. gent. with satisfaction, that satisfaction certainly has not been diminished by finding in his judgment and authority the confirmation of those opinions which the best attention that I could bestow upon the subject, and the best inquiries that I have had an opportunity of making, had led me to form and to bring down to this house, subject to be corrected here by fuller discussion, and better information.—I am not sorry to have been preceded also by the hon. gent. who has just sat down: for though, from what fell from that hon. gent. towards the middle of his speech, I understand that I shall not have his support in the vote of this night, yet both the beginning and conclusion of that speech shewed, that the hon. gent concurs with me in his general principles, and that it is solely from local circumstances that I must on the present occasion, be deprived of that hon. gent's. support I agree that in populous towns, and particularly in the capital, it is extremely difficult to fix on any measure of the kind which may not seem to be oppressive, and to bear unequally on different parishes; nor am I inclined to deny that this inconvenience has been felt in the Additional Force bill. If the question now before the house were not for the repeal, but for the alteration and amendment of the act in question, the hon. gent. would not find in me any reluctance to enter fully and impartially with him into the examination of all the difficulties which may have been felt, and all the hardships which may have been suffered, under the provisions of the act, as it at present stands. He would, I think, be satisfied with my earnest desire to make every change and modification in them which might render them more easily practicable, and less harsh to the local interests, or feelings, of any portion of the community. But I submit that the true view of the question now before the house, is that the hon.

general, who opened the debate, has taken of it. It is not whether the Additional Force act shall be altered or modified. It is not merely whether the provisions and enactments of that act shall be altogether repealed. It is whether by the repeal of the principle upon which that act rests, and upon which rest also all the other measures by which we have hitherto been in the habit of providing for the internal military defence of the country, we shall this night take the first step towards a complete change in the whole of our military system. This is as it strikes me, the real question upon which we have to deliberate: and a more awful and momentous one was never submitted to the deliberation of the house of Commons.—I know it will be attempted to be contended on the other side, that we are bound to confine our atttention to this individual act, and not to look any farther before us. But I desire no better answer to such an argument, than the conduct of the right hon. secretary himself. If he had been of the opinion that the act should have been repealed without any substitute, if he had thought it unfit to continue at all on the statute-book, why did he allow weeks and months of this session to pass before he moved for the repeal of this individual measure? Why was he so long in coming forward with the present bill? and why, if this repeal, and his own subsequent measures, were in his own view altogether unconnected, did he think it necessary to wait until he had developed his plan, and stated what he had to propose in its room, before he moved for the repeal of the Additional Force act? This I say not as a matter of blame, but as an argument arising from the conduct of the right hon. gent. himself, to shew that the two questions are intimately connected, and that we are not now fairly to be told that this is a motion on which it is proper that the after-part of the right hon. gent's proposition should be thrown out of consideration.—It is upon this ground that I found the amendment which I shall take the liberty of submitting to the house; and for which I do really think not only that the house in general, (who having heard the right hon. secretary's statement of his plans, must be aware that that measure, which is now immediately before them, is the very last and least considerable part of what they have to look for at his hands); but that even the hon. gent. himself (Mr. Mainwaring) who is so decided an enemy to the Additional Force bill, as it at present operates, may vote, with perfect propriety and consistency. I shall not ask of the house to negative the repeal of that bill, much less shall I ask of them to determine upon retaining it with all its existing inconveniences and imperfections, whatever they may be. But I shall intreat of them not to decide precipitately and inconsiderately to repeal and do away for ever, not this or that clause of a bill, or this or that modification of the principle on which it is founded; but the very principle itself, the very foundation of this, and every other measure, by which the military establihments of this country have been sustained at a height adequate to its necessities. I shall intreat of them not to decide upon this repeal, without having previously considered and ascertained what measures of security, what plan, with a rational prospect of efficiency and success, they are likely to see substituted in the room of what is proposed to be destroyed. With this view, I shall propose to the house to defer the vote upon the second reading of the bill now before them, for such a time only as may give the right hon. gent. sufficient opportunity to develope those plans of reform, and regeneration, which he opened to us generally on the former night; and the first statement of which, I am sure, has created impressions rather of alarm and anxiety, than of that undoubting confidence, which should induce us to forego whatever security we now possess, in order to trust entirely to what the rt. hon. gent. may provide for us hereafter.—I say, sir, that the effect of the present measure, as proposed by the rt. hon. gent., and as coupled with the system which he has projected, is to repeal not the enactments of this particular bill, the Additional Force bill, only, but the principle on which that, and every other measure of our home defence, is founded, that principle of compulsory service, which has in all times been found necessary, in some shape and degree or other, to the maintenance of the military establishments, not of this country only, but of every country in the world.—Indeed the rt. hon. gent. himself makes no secret of his own views upon this subject. He told us plainly at the outset of his statement, that the compulsory principle might work well enough in despotic states, where the government was enabled at once to lay its hand upon the people: but that in countries like this, where personal freedom and civil liberty were established, where even the necessities of the state were not allowed to overbear the consideration due to the protection of the individual,—here, where compulsion must be modified by law, the operation of that principle became so indirect and circuitous, there was so much lost by the friction of the machinery, that the result was scarcely worth the trouble. He would therefore have none of it. He would do it away altogether. He would trust wholly to voluntary enrolment. He would have nothing else to fill and to keep up the whole of our military establishment. And in this great change the house is called upon by its vote this night to sanction and assist the rt. hon. gent's. projects.—It is some consolation to find that the rt. hon. gent., after all the lamentable descriptions which he has been in the habit of giving of the dilapidated state of our military establishments, does think this a time of sufficient leisure and security, to entertain an experiment upon so large a scale and of such doubtful consequences. This he surely would not do, if he were not satisfied that we are at least protected against any immediate danger. He does not himself propose or promise any very sudden effect from the adoption of his plans. The improvements are to be gradual, the advantages remote. But how, sir, if while we are waiting for those remote advantages, in contemplation of which we shall have thrown away the sure and tried measures which we have already in our possession, any sudden emergency should arise to call for an immediate and rapid augmentation of our military force? I do not mean the emergency of an invasion: that I know the rt. hon. gent. will tell us, he has provided for in another part of his plan, (how effectually, and with what consistency with his general and favourite principle, is matter for separate consideration), but such an emergency as the beginning of a war, as the beginning of the present war, for instance, when our establishments were low, (and that they were still lower was not the fault of one of the rt. hon. secretaries opposite (Mr. Fox), who contended strenuously for their further diminution), what, I say, will be the situation of the country, if after the abandonment of its present system, and before the complete development and success of the system of the rt. hon. gent., any exertion of such a nature should become necessary? At the beginning of this war we raised not much less than 80, or 100,000 men by the operation of the ballot. The ballot has its evils; granted: but we must have the men. And the problem which the rt. hon. gent. has to solve, if he does his duty, is not the getting rid of grievances only, but the getting rid of them without impairing the safety of the country. He tells us confidently his plans will do this: give them time, and they will work to this end.—But of this the house ought to be well convinced, before it consents to adopt them, or at least before it consents to make way for them by a sacrifice of every thing which is now established. The rt. hon. gent. is bound therefore not only to assert, but to prove, and the house is bound to wait for the proof, that his plans are thus all sufficient. Nay, if he were to shew to demonstration that the chances of success were as 99 out of a 100 in his favour, the house, in my opinion, would not be justified in accepting his plans, and placing their entire and exclusive reliance upon them, unless the rt. hon. gent. had also shewn with the same certainty, how that hundredth chance, if it should turn up against us, was to be provided for.—Even if it were possible, (which I doubt), and probable, (which it certainly has not been shewn to be), that the military service of this country could be carried on wholly on the rt. hon. gent's. principle, yet surely one might well question the wisdom of a public declaration, and a legislative enactment of so great and hazardous an innovation; one might well question the policy of holding out to general detestation all those modes by which the ranks of our home-service have hitherto been filled, and to which, after they have been thus proscribed, who shall guarantee us against the necessity of recurring? And with what an addition, with what an unnecessary and gratuitous addition of hazard and difficulty should we, under such circumstances, be obliged to recur to them.—Undoubtedly, in applying to a free country the principle of compulsory service, some of the difficulties which the rt. hon. gent. describes as attendant upon its operation and impeding its effect, have been, and, I trust, will always be, experienced. I trust they always will, because I prefer that compromise in favour of freedom, to the more direct and effectual operation which the rt. hon. gent. describes as taking place in despotic countries, and to which I very much apprehend it is the tendency of that rt. hon. gent's. plans, (if we trust to them exclusively, and if they fail), to drive us at some moment when we may be least prepared for it.—But the principle itself has been admitted in all states, and under all constitutions. It has been acted upon in this country in all times, and even in good times, with much greater strictness and severity than is now in any man's contemplation, or greater perhaps than would now easily be borne. If any exception has been taken to the manner in which this principle is laid down in the levy-en-masse bill, which passed at the beginning of the present war, (and some such exception I know has been taken by the rt. hon. secretary, (Mr. Fox), the application of that objection I have always understood to be, not to the general principle, which is this, "that the sovereign power of the "state has a right to avail itself in time of "public danger of the services of all its "subjects," but to an imputed want of care to guard against the capricious exercise of this undoubted right, against oppressive partiality, or individual selection. But the right itself is generally recognised. It is recognised by the rt. hon. gent. himself, to its very fullest extent, in that part of his plan which relates to the training of the country; wherein with an inconsistency, of which I shall have something more to say by and by, he carries his compulsion to an infinitely greater height than it is now carried in any of the institutions which he proposes to abolish; and to obtain a lesser degree of service. In recognising the right, however, parliament has not been less careful to modify the exercise of it, and accordingly, in all the establishments of this country which are founded upon this principle, we find modifications, which go to reconcile, as much as possible, the effectual advantage of the principle itself with the feelings, and even the prejudices of a free people.—The first modification which a direct call upon the population of the country admits, is that of selection by lot, instead of by the arbitrary choice of government: and this is still farther mitigated by the permission to the individual upon whom the lot may fall, to provide a substitute. Upon this modification stands the militia.—A still more modified compulsion is, where the call is made not upon the individual, but upon a district; leaving to the district itself to provide the man: and this modification is still further softened, by permission to commute the finding a man for a fine. This is the very lowest modification of which the compulsory principle is capable: and this is that modification of it, which the house is desired to abolish specifically by the repeal of the Additional Force bill.—Of all these modifications there is not one that finds favour in the eyes of the rt. hon. gent. He is for abolishing them all, as useless, operose, and ineffective. He is for abandoning and proscribing the principle itself, at the very moment when he himself is about to re-enact that principle into a mode infinitely more severe, and to an extent infinitely greater, than has ever hitherto been practised.—In proscribing the principle, it appeared manifest to all who heard the rt. hon. gent's. statement, that he must necessarily include the militia, in the same demolition with the Additional Force. So it struck me in the very outset of his speech, and I was not dissapointed. The militia is to share the same fate; for the ballot, it appears, is to cease at the end of the war, and then they are to be recruited by bounty. You may call them what you please, militia, or any thing else: but they will no longer be a militia, in the genuine sense and spirit of that institution; for the main characteristics of the militia, its connection with the property of the country, its local distinction will be entirely lost. Upon this part of his plan, indeed the rt. hon. gent. has not been very explicit. But it is plain that there is no possible project by which the character of the militia can be preserved, according to the principles on which its constitution is now proposed to be altered. By whom henceforth is the militia to be recruited? By the crown? If by the crown, then it becomes, to all intents and purposes, as much in the power of the crown as the regular army, with this disadvantage, that it is not equally efficient in a military point of view. Is it to be recruited by the county? In that case, it becomes a measure exactly similar to that which we are now called upon to repeal. The difference of parish recruiting and county recruiting is the only difference between the two; and those who have been so lavish of their ridicule upon the employment of those unapt instruments, the parish officers, for carrying the levy under the Additional Force act into effect, will find it difficult to shew how the civil agent of the county, employed to fill the ranks of the county militia, will be better qualified for his duty. And as to the other objections to the parish levy, the burden, the fine, the taxation in lieu of military force, they will be precisely the same in regard to the militia levy, unless there is to be no enforcement whatever upon the county to do its duty; and then it would be a much shorter way to give up the militia altogether, for without such enforcement who will give themselves any trouble about levying it at all?—I well remember that at the time when the Additional Force bill was first debated in this house, a speech of great strength and impression was made against it by an hon. gent. much conversant in militia subjects, (colonel Mitford, see v. 2, p. 580) on this very ground, that the force to be raised under the act would be an additional weapon in the hands of the crown; that being levied upon the country, it would partake in that respect of the nature of the militia, but without its constitutional character; while being officered by the crown, it would in that respect resemble the regular army, but without its serviceableness and general utility. Little did that hon. gent. then think that in describing this new force as an anomaly not to be endured in the constitution, he was discussing very nearly what the militia itself would be brought to be, when those with whom he voted on that occason should have the power of moulding it according to their pleasure. And the respectable country gentlemen who joined with him in objecting to the establishment of a force at the disposal of the crown, were they prepared to hear, as the favourite and only project of those who were ultimately to relieve them from that grievance, of the proscription of the very principle upon which all the force, not immediately connected with the crown, is levied, and of the substitution of nothing but an augmented regular army in its room?—That the regular army must be augmented in proportion as all other subsidiary force is done away, is not necessary to be argued: or that the levy of that subsidiary force does in fact increase the amount of the disposable regular army, by taking upon itself a great share in the defence of the country, and setting *pro tanto* the regular army free. It is in this way that the principle of compulsion, as applied to our home levy, is itself a recruiter of the regular army; a more effectual recruiter, I believe, than if it were applied directly to the regular army itself, which, I need hardly say, has not been in my contemplation, in any thing which I have taken the liberty to suggest to the house, to dissuade them from agreeing to abandon that principle; and which, if it ever should come to be matter of necessity in this country, (which God forbid!) that necessity can arise only from an improvident abandonment of the principle now, and the failure of all those plans by which the rt. hon. gent. fancifully persuades himself, (but will, I trust, not succeed in persuading the house), that we might do very well without it. Then, indeed, we should be left without any other resource; and it is to avoid the hazard of this necessity, that I would, if possible, induce the house to pause before they say that there shall be no compulsion; and would impress upon them the propriety of waiting till they fully understand the substitute which is to be proposed, and till they have had an opportunity of trying it for a length of time, proportioned to the magnitude of the interests which it puts to hazard.—Nor is it, however, in this indirect and collateral way only that the measure, the repeal of which is now proposed to you, contributes to what is stated to be the main object of all the rt. hon. gent's. views, the augmentation of the regular army. The measure has another character. It procures supplies for the regular army directly. On this point I might refer, with confidence, to the papers on the table. This act, while a notice of repeal has been hanging over it, is producing men at the rate of 16 or 18,000 men in the year. Any support of a bill for its repeal, then, comes with a very bad grace from those who approved of it when it only produced at the rate of 8 or 9,000 in the year. The supply which it at present affords is equal to the whole casualties of the army, leaving all that is supplied by the regular army recruiting, (which, be it observed, has not been diminished by the operation of this bill) as so much clear gain.—If, then, the rt. hon. gent. is determined to abolish this and the ballot for the militia, he must be understood as undertaking to supply these 18,000 men: to make up the whole of the militia at the beginning of a war; to keep up the recruiting of the regular army as it is at present; and to supply all vacancies that may occur in any and all of these establishments. If this, then, is what the rt. hon. gent. promises to do, it is so gigantic a promise, that the house ought certainly to know how it is to be fulfilled before they part with the measures which are now in force.—The charm which is to effect all this is an alteration in the term of service: which will, in itself, obviously produce an additional demand upon the rt. hon. gent., by an additional number of vacancies to be supplied; of which, however, he seems himself so sensible, that he resolves to avoid at least that increase of his difficulties, by deferring the operation of his own principle; so that, according to all human calculation, the effects of it shall not be felt in his own time.—With respect to this question of changing the term of enlistment, I must, in the first place, take the liberty of protesting against the house of commons being called upon to discuss it at all; I think it would have been much more wisely done not to have provoked debate upon it here. If the limitation of the term of service be intended as a boon to the army, I think it ought to have come to them from the crown; from that branch of the government to which the superintendance of the regular army belongs. I do not like the notion of parliament interfering with offers of kindness, and canvassing for popularity with the army of the crown. In measures which require our aid in point of pecuniary supply, undoubtedly we are at liberty to discuss the propriety of the expenditure, and to refuse to make good what we may think inexpedient or unnecessary. The alterations, therefore, in the Chelsea pension, and other additional comforts and allowances to the soldier, may be fitly stated to us for that purpose at a proper time. But even they, though we may approve of them, ought not to originate with us. No man but must approve of any thing that is likely to contribute to the increased comfort of the soldier; but I do not like the appearance of taking more merit to ourselves than we deserve; of talking of the hardships, the virtues, and the deserved remunerations of our army, as if now, for the first time, their case was taken into consideration, as if there were not abundant instances, during late years, under the management, and at the suggestion of those whose peculiar duty it is to watch over the army, and particularly of the illustrious personage who fills the situation of commander in chief, in which the advantages of the soldier have been consulted and promoted, his situation ameliorated, and his means of happiness and comfort enlarged —without all the noise and ostentation with which the rt. hon. gent. now brings forward his plans of improvement, and announces them as if they were the very first of their kind. I should have been glad to see the same noiseless course followed on this occasion. It is better for the discipline of the army. It is more conformable to the practice of the constitution.—If any doubts were entertained, even by the rt. hon. gent. himself, of the propriety and efficacy of his plan, what could be less desirable than the public discussion of it here? But here it is, and therefore discuss it we must, with such lights as we have within these walls and in ourselves: for the rt. hon. gent. has deprived us of all other lights, though no exertion has been wanting on the part of the gentlemen on this side of the house to procure them.—But it is said now, that though we have not the opinion of officers of the army to guide us, those principles of the right hon. gent's. plan lie deep in human nature; and that therefore they who have a general knowledge of human nature must be competent to discuss it. We must do, sir, as well as we can; and first, therefore, we may perhaps venture to suggest with respect to this plan, (what would be generally true with respect to any other great plan of extensive reform and untried experiment), that though it might perhaps be prudently tried under certain circumstances, and with certain limitations, yet that doubts may reasonably be entertained, whether it ought, therefore to be held out as the pervading principle of our whole military establishment, and not only as that, but as the only system on which we are in future to depend for supplying the army? Ought it not to be first tried upon a small scale, and then sanctioned when the result is found to be favourable? If it might be tried in peace, ought it therefore to be attempted in time of war? If it might be attempted when our military establishment was low, ought it therefore to be adopted when that establishment is at its utmost height? Ought it to be put in force when every circumstance is against it, when no necessity calls for it, when its trial must be hazardous, and when its failure may be ruin?—The first argument in its favour, that it is the practice of foreign powers, has been sufficiently answered by the hon. gen. (Sir J. Pulteney) behind me. It is not the practice of foreign powers. But even if it were, yet I should contend that it would not therefore necessarily apply to this country. If you could despotically compel the people to enter into the service in as great numbers and in any manner you pleased, then indeed you might safely admit of this modification; but as the act of entering into the regular army must here be voluntary, that totally alters the case. So far as the principle is acted upon by foreign powers, so far at least do we act upon it already. We adopt limitation of time, and not of time only, but limitation of space also, as the just mitigation of compulsory service: but we do not think it a necessary condition of voluntary enlistment. Where we compel service, as in the militia, as in the additional force, time and space are limited: the regular army no man enters but by his own will, and there, in principle, the limitation is not necessary. I say it is not necessary in principle. I do not pretend to affirm that it may not therefore be expedient to try it; though there our experience is rather against us; for if that service where the limitation both of time and space, does not fill by voluntary enrolments, what right have we to presume that the single limitation will be more effectual? But I wish to guard against being misunderstood: I do not say that this measure ought not to be tried: I do not say that; what I say is, that the nature of the service ought not to be so completely changed, as that what has been hitherto the general rule should now become the exception, while what it may be very fit to try only as an exception is to become the general rule.—A noble friend of mine, who sits near me, (Lord De Blaquiere) mentioned in a former debate the achievements of a regiment raised for a limited period of service, under his own command. He himself had great share in raising it, and, no doubt, transfused into it a great part of the spirit which it displayed. But this was merely an exception to the general rule; and the fact is, that this regiment afterwards enlisted in America for unlimited service. I do not object to such partial trials of the experiment as this; far from it; they may be productive of good; they may possibly procure the services of men who would not otherwise serve at all—who may be actuated by a desire of that particular description of service for which our other establishments do not make provision; and as I have not, like the rt. hon. gent. an abhorrence of variety of services, I see no objection to trying all. What I object to is the risking every thing upon one; and that one yet untried, except in partial instances; I object to abolishing or discrediting all that now exists in order to make room for the trial of this experiment; I object to the laying it down as a general system, which is to be left to our posterity, upon whom the mischiefs of its failure may fall, while they are deprived of the benefits of the existing regulations.—This, sir is the view which I should take of the hon. gent's. proposition, if we were now in a state of peace, and were about to revise our military establishments for the purpose of correction and improvement. But it is an old military maxim, "not to manœuvre too much in the face of an enemy?" and I must ask what part of our military establishment, what set of men with muskets in their hands, have not been taught, by the agitation of this question, to consider whether they exist in a proper shape, or whether they ought to exist at all? The Volunteer is made to doubt whether he shall best serve his country by continuing with his corps, or by resigning; the militia is taught to look to its dissolution; and the regular army finds that its lot and condition become the subject of parliamentary discussion,—and this at a moment when every eye ought to be directed to the enemy, and every thought employed upon the means of effectually opposing him. [hear! hear;]—I must ask, sir, where is the excuse for a minister who brings forward such a question at such a time? Perhaps he has the best authorities for it out of doors; authorities so strong that he could no longer hesitate. He, however, withholds those authorities from us. He tells us, indeed, that the balance of authorities is in favour of his proposition; but this statement I must be allowed to doubt till I have an opportunity of comparing it with the fact. I do not doubt of the rt. hon. gent's. own persuasion that he estimates and states this balance correctly; but I doubt his judgment upon a point on which it is so evidently biassed. I have learnt something, however, of these authorities: some are for the measure with particular modifications; some, for instance, are for it with the proviso, that the services should at all events be continued during the war; some that the experiment shall not be begun in the time of war; but I wish to learn whether any of these authorities are for the measure precisely as the rt. hon. gent. nas proposed it? Whether any of them are for it to its full extent, and under all circumstances? I doubt very much if the rt. hon. gent. has more than one authority for it in this way, that of the hon. officer behind him (colonel Craufurd), whom I am glad to see in his place, as I had heard it rumoured that he had accepted a situation in the rt. hon. gent's. office, which would have deprived this house of the benefit of his presence and advice.—If, then, there is nothing in the force of authorities out of this house that can have forced the rt. hon. gent. forward with this proposition, has there been any thing in the discussions within this house peculiarly to incite him to bring it before us, at this time? The rt. hon. gent. told us that the house will find nothing in his plan but that is founded on principles which he has often stated here; and he might have added, nothing but what the house had often negatived. [a laugh.] A motion was made for the repeal of the bill last year; the house voted against it. The rt. hon. gent. himself moved for a committee to examine into the state of the army: the house voted against this too; and now he comes to the house, and says, "I give you nothing but what you voted "against when I proposed it last year. Now "I am a minister, to the right about presently, and vote for it." A mode of address certainly not very conciliatory, savouring a little of the tone of those governments where affairs are carried on without much "friction," and therefore I suppose, considered as fit for the adoption of a strong administration! But sir, if the rt. hon. gent. is so anxious to maintain his own consistency, parliament has surely some little right to think of their's; and under such circumstances, the house ought surely to pause a little before it undoes all its former votes on this subject.—In voting for the proposition which I mean to submit to the house, they will not be required to vote against the principle of service for a limited period. All that I want is to postpone the repeal of this act, involving, as that repeal would do, a renunciation of our established system, until we shall have had an opportunity of discussing fully, and judging fairly, the expediency and efficacy of the system which is to be substituted for it. I do not object to the fitness of having this measure tried; but doubting much its capability to sustain the load which the rt. hon. gent. proposes to lay upon it, (and if it cannot sustain that load, however good the thing may be in itself, his case is not made out,)—I conjure the house not to recede from all their former votes, from all their recorded opinions, from the established practice of the country, to risk the safety of the state upon a wild and untried theory, which has only the rt. hon. gent's dictum to vouch for its success.—When the rt. hon. gent. talks of this measure as an improvement in the condition of the army, I answer, that I would oppose no improvements; that the army has, on many occasions, very properly experienced the beneficence of government; that it was not forgotten under the administration of my rt. hon. friend. But when he represents it as an improvement of such value and extent as of itself to insure a constant supply of recruits, more than equal to the increased demand which it will itself occasion, and of recruits of an infinitely better description than are now to be had, I confess I much doubt whether this statement is not a little exaggerated. I apprehend that the very best description of soldiers are those which are recruited from among the peasantry: now, if the mere physical advantages of the soldier's condition over the peasant's, are sufficient to induce the latter to enlist, I really do not see that any thing the rt. hon. gent. proposes to add to that difference can materially increase its operation. 'Food and raiment, and lodging, and fire, and moderate labour, and care, in sickness, are the essential points in which the situation of one man can, physically speaking, be made materially preferable to that of another; and this distinction, I apprehend, exists already in a sufficient degree between the soldier and the peasant to give you whatever fair chance may arise from a comparison of the two situations. But there is, it seems, in the notion of service for life, something so revolting, something so terrifying in the very sound, that it is of itself sufficient to deter the young recruit from enlisting. In the sound, perhaps, there may; and it requires but little reflection to discover at once the incorrectness of the expression, and the extravagancy of the inference which is drawn from it. Service for life, we well know, means in fact no more than service during the military age; during that period of a man's life which, whatever be the original choice, destination, or necessity that determines his pursuit or occupation, must infallibly be devoted to that pursuit, and at the end of which period alone he can look for retirement or release. And if, at the end of that period, he is ensured a competency proportioned to his station in life, it cannot be denied, that the profession which affords that assurance, is at least not inferior in its attractions and advantages to any other which is open to the same rank or class in society.—And here, sir, I must take the liberty of observing, that the rt. hon. gent's. plan is in a great measure inconsistent with itself, inasmuch as at the same time that he holds out enlistment for a limited period as the main inducement to fill the ranks of the army, he calculates upon no advantage being taken of that limitation, when the period of it arrives. If this calculation be well founded, the success in one respect must, as it appears to me, destroy the inducement in the other. I shall better explain this by reference to another plan which I have lately seen in a well-known periodical paper (Cobbett's Political Register) which professes the same object as that of the rt. hon. gent., but I think better proportions its means to the end. Both plans are for multiplying enlistments, by shortening the term of service; but the plan to which I refer proposes to accomplish this object by dismissing the men at the end of their period, whereas the rt. hon. gent. would do it by retaining them. That plan proposes that all its rewards for military service should consist in immunities in civil life to be enjoyed by the soldier upon his retirement; the rt. hon. gent's rewards are purely military. In pursuance of that plan, the men would, after their first period of service, be thrown back into the bosom of the country, carrying with them, into their respective societies, the influence of their spirit, and the inducement of their example; and might thus gradually contribute to militarize the general character of the nation. But according to the rt. hon. gent's. plan of retaining all that he acquires, it is manifest that these advantages of influence and example would be lost. The countryman would hear indeed of the theory of dismission, but when he sees no instances of it in practice, when he sees *vestigia nulla restrosum,* there will at least be wanting one great encouragement to confidence in the plan of the rt. hon. gent. The utmost that can be hoped by the rt. hon. gent. is, that the good soldier shall remain, and that the indifferent soldier only will avail himself of the expiration of his period; but of the advantage of his exertions, and the effect of his example in procuring recruits, no very sanguine expectation can be reasonably entertained. So far therefore, as the rt. hon. gent's plan differs from that to which I allude, it seems to me to differ for the worse.—But estimating as highly as the rt. hon. gent. himself can desire, the advantage of the additional inducement (be it what it may) arising from limitation of service, has the rt. hon. gent. fairly balanced the disadvantages and difficulties which attend the execution of his plan, or at least must attend its establishment as the general rule of the service? Some of these difficulties are undoubtedly too obvious to have escaped the rt. hon. gent's. observation, he has himself anticipated them, and suggested the only remedies which he could devise. It was obvious that to dismiss men on foreign service might be attended with inconvenience; the rt. hon. gent. therefore proposes a power to the commanding officer of retaining them for 6 months after the expiration of the term, a contrivance of no very deep research, nor of any very striking efficacy; since, at the end of the 6 months, precisely the same difficulty will recur. It was obvious that in sending a regiment upon foreign service, it might be necessary to consider whether any, and what part of the men, were entitled, or would soon become entitled, to their discharge. The rt. hon. gent's. remedy for this is to draft such men into other regiments; a remedy, the suggestion of which from him, did, I confess, particularly astonish me; as of all the bad practices which he has repeatedly stated as necessary to be removed for the preservation of the army, the practice of drafting is that which has been most loudly and vehemently condemned. Ballot is, we all know, a sufficiently odious word in the rt. hon. gent's. conception: but long before ballot became the object of his hostility, draft has been completely run down.—Gentlemen who are inclined to undervalue the difficulties which would arise on foreign service, from the expiration of short enlistments, may perhaps, however, allow some weight to a practical authority on the subject, I mean that of general Washington. In a life of that eminent person, which has been lately published in this country, and which I suppose is in every body's hands, we find him in constant correspondence with the Congress upon the wretched condition of his army, and uniformly attributing the difficulties which he meets with to the miserable policy of short enlistments, expirable during the war; in one of his letters he expresses himself thus: "To one who has been a witness to "the evils brought upon us by short enlist"ments, the system appears to have been "pernicious beyond description, and a "crowd of motives present themselves to "dictate a change. It may easily be shewn "that all the misfortunes we have met with "in the military line are to be attributed to "this cause. Had we formed a permanent "army in the beginning, which by the "continuance of the same men in the ser"vice would be capable of discipline, we "never should have had to retreat, with a "handful of men, across the Delaware. "Had we kept a permanent army on foot," he says in another part, "the enemy would "have had nothing to hope for, and would "in all probability have listened to terms "long since." I am aware that the enlistments here spoken of were annual: but in principle, the same objections apply to any period by which discharges may be claimed of right, during the continuance of war. Besides, gentlemen must not forget, that after the expiration of the first period, whatever it may be, the difficulties will occur annually. According to the plan of the rt. hon. gent., those who are enlisted this year, will be entitled to their discharge 7 years hence, those enlisted next year 8 years hence, and so on: and it is no great consolation under the mischiefs of the system, that they will not begin to be experienced while the rt. hon. gent. is in office to correct them.—If this plan is full of difficulties in respect to an army, in general, has the rt. hon. gent. considered with what peculiar force those difficulties apply to an army, destined, as the army of this country must be, to protect and garrison many distant possessions? May not reinforcements in consequence of expiring services, be wanted in time of war, when they cannot easily be sent? may not the garrisons of our colonies be almost emptied at the time when an attack is expected? It is no answer to these questions to say, that in such cases the spirit of a British soldier would not permit him to abandon his post, or to prefer his private claims in opposition to the service of his country. If the rule is established it ought to be so, with a determination to adhere to it: violated once upon a great necessity, it might next be violated upon a smaller, until the frequency of the cases of exception may bring your good faith into suspicion. A rule which you find established it may sometimes be necessary to break through; but it is surely idle to establish the rule with a view to its necessary violation. I know no other solution of these difficulties, unless it be one, which I do not suspect the rt. hon. gent. of being prepared to adopt, from Brissot, or some other equally distinguished founder of the French republic: "Perish our colonies, rather than one "of our principles!"—But the general answer which the rt. hon. gent. gives to all these difficulties, is, that he speculates upon re-enlistment: and this seems to be the part of his plan on which he prides himself the most; though this part I think is not without its difficulties also. The danger of indiscipline, and the inconveniencies attending a canvas among the men, for the 6 months immediately preceding the period at which they would be entitled to their discharge, and the effect of these things upon each regiment, and upon the service in general, are subjects upon which the hon. general behind me has already given the house an opinion of much greater authority than mine, and upon which it cannot be necessary or agreeable to enlarge.—The rt. hon. gent. however assures us, that his re-enlistment is to be very different indeed from the modes of enlistment now practised with respect to the army, and is to be free from all the objections which he has so repeatedly mentioned as belonging to that practice, and which it is indeed one of the main objects of his reform to do away. It is his purpose to get rid of all the fraud and delusion, and cajolery, which he apprehends are now employed against the too credulous recruit: he will not have an unfair advantage taken of his unguarded hours. He will permit no arts to delude the judgment or mislead the imagination. If a man is found in ill-humour, or in high spirits, if he is in debt, or in a scrape, or in love, or in drink, nothing, according to the rt. hon. gent's. principles, can be so abhorrent from what ought to be the practice of a liberal recruiting serjeant, as to apply himself to any one of these accidental varieties of temper or situation. When in sober judgment, in the cool hour of undisturbed reflection, and of perfect contentment with all around him, the recruit is in a state to listen to the still small voice of reason, when the serjeant lays before him not the glories and the triumphs only, but the toils, the difficulties, and the casualties of military life, and when, upon this statement, the choice is deliberately made, then the rt. hon. gent. allows that the recruit has been fairly dealt with. The theory is a very beautiful one, but I doubt whether when it is acted upon, the returns of the recruiting service will be quite so large as at present. I am apprehensive that, if we discountenance an application to all human motives, all human action must cease.—These however, sir, are the evils of original enlistment; we now come to the rt. hon. gent's. re-enlistment, after the first perid of service is over. He has not told us whether he intends to give a new bounty; if so, woe to the discipline of the regiment so long as that bounty is in a course of expenditure! But I acknowledge that I rather understood him not to intend to give a bounty: and in that case comes the rt. hon. gent's. master-piece; in that case the result of his deep knowledge and study of human nature is brought to light! The rt. hon. gent. dives deep into the recesses of the human heart, to discover that temptation which after 7 years experience of military hardships, is likely to overbalance in the mind of the soldier all the allurements of retirement, safety, and repose. The rt. hon. gent. dived so deep that he was long out of sight, and when we almost began to dispair of his re-appearance, we behold him emerging above the surface with a pot of ale in his hand! A pot of ale per week is that upon which the rt. hon. gent. thinks he may entirely rely, for securing to the army those services which it is the essence of his plan to release.—If, sir, the rt. hon. gent. is so satisfied of the perfection of his projects, if he is confident that the advantages which he proposes will not be counterbalanced by any of the inconveniencies which we apprehend, if he thinks the indefinite enlistments so onerous and unreasonable, and service for a limited period so certain a remedy, and so safe a practice, I cannot forbear expressing my surprise, that he should not think of applying this change to the existing regular army. He has expressly told us that it is not his intention to do so; and he tells us in defence of this seeming inconsistency, that the existing army having entered into a contract for indefinite service, has no claim to release or mitigation. I confess, sir, I cannot entirely agree with the rt. hon. gent. in his construction of this contract. I doubt whether in fair construction, he who enters in a state of life which may subject him to many contingent hardships, does not become entitled to any contingent advantages which may belong to it. But, be this as it may, I am very sure that the rt. hon. gent. is the last person who could consistently hold the existing army to his own construction of the contract. He, who contends that enlistment, hitherto, has been a trade of trick on one side, and delusion on the other; he, who considers these tricks and delusions as one main ground for an alteration of system, cannot surely mean to exclude from the benefit of that alteration, the very case which has given rise to it, and when he has applied a remedy to the grievance, refuse it to those, and to those only, who are the individuals aggrieved.—The rt. hon. gent. has another answer and a better: "To "extend this indulgence to the present "army would be attended with considerable "inconvenience to the public service." I accept this answer on this part of the rt. hon. gent's. plan, and I must beg leave to apply it to almost every other. If it would be attended with considerable public inconvenience to limit the service of the existing army, is there no inconvenience in recruiting that army with men on a different term of service? Is there no danger of jealousy and discontent? If you make discharges claimable in time of war, how is war to be carried on? If to be claimed in time of peace, at least the temptation will be considerably diminished. If you lengthen the period, you impair your principle: If you shorten it, you hazard perpetual fluctuation and confusion. By the rt. hon. gent's. own confession, you cannot apply it to the existing army with safety: can you refuse it to them without danger? After all, can you hope to maintain your land-service on a principle which, if you attempted to apply it to the favourite service of the country, would infallibly leave you without a navy? I will not push this contrast farther, but every reflecting mind will supply the considerations which I think it best to pass over in silence.—In short, in whatever point of view I look at the rt. hon. gent's. plan, I see nothing but inconvenience and embarrassment. I do trust he will yet reflect before he puts it into execution. I have heard of a person, who, describing his own progress in some of the new-invented modes of agriculture, said of one of them, that "he "had read himself into it, and worked "himself out of it." The rt. hon. gent., I apprehend, has read or reasoned himself into this system of experiments; I do trust that he will pause while there is yet time, and before he is worked out of it at the expence of public danger and confusion. I do trust at least that the house will recollect the interest which the country has at stake, and that they will not suffer the rt. hon. gent. to hazard it wantonly, rashly, and unnecessarily, at a moment the most critical, and the most urgent. Let the rt. hon. gent. try the experiment, if he will, upon a small scale; let him raise distinct corps, as has been done before, as was done with respect to those regiments which we have been told of towards the close of the American war. But let not the house be called upon to sanction this partial experiment as the general principles upon which the British service is henceforth to stand: before you know that it will succeed at all and while you yourselves confess, that the whole existing army must remain an exception to it.—The rt. hon. gent. has extolled in the highest terms the advantages of a large regular army. On that subject undoubtedly there can be no difference of opinion. But without carrying to too great an excess a veneration for the establishments and opinions of our ancestors, we may be permitted to doubt the propriety of carrying the regular army to an unlimited extent, without any check or balance in the other parts of the military system of the country. Upon emergencies our regular army may safely be augmented to any point to which we can conveniently carry it: but it has always hitherto happened fortunately at least, if it has not been contrived wisely, that the other descriptions of our force have grown with it in the same proportion.—The rt. hon. gent. is endeavouring to lay the foundation of a large regular army, while he is sapping all the other establishments which ought constitutionally to accompany it. The rt. hon. gent. may perhaps tell me that the checks and balances to which I allude, are mere creatures of the imagination; for that it is utterly improbable that our militia or volunteers should in any instance be drawn out against the line. God forbid they should! But, look, sir, at the analogy of our civil constitution; what is it but a system of mutual checks and balances, which have a sure though silent operation on each other? When foreigners are told of the power of this branch of the legislature, or of the power of that branch, of the prerogative of the crown, and the privileges of parliament, they imagine, amidst such conflicting authorities the work of government and legislation must be at a stand: on the contrary, we know that it is carried on the more smoothly for this opposition of powers, and that the mutual consciousness of each other's strength preserves all parties within bounds, and contributes to the security of the whole. The very stillness of the balance is a proof of its stability.—Such is likewise the operation of our checks upon our standing army. Nor have there been wanting instances, even in times which are in the remembrance of us all, when the regular army alone would have been adequate to preserve the tranquillity of the country; when to have been dependant upon it alone would have been hazardous in the extreme. This is a subject of infinite importance in a constitutional point of view; it is a subject of infinite delicacy also: and if I feel it to be so at this moment, while we are yet in possession of all those securities which it is the rt. hon. gent's. object to destroy, I cannot help apprehending, that some ten years hence perhaps, when the rt. hon. gent's. system shall have had its full effect, and shall have left no other military force in the country than an huge unbalanced standing army, a member of parliament may rise in this house to deliver his opinions upon subjects in which the army is concerned, with very different feelings from those with which I now address you.—For the first time since the Revolution, parliament has this year voted the supplies for the army, before the army estimates were presented. Having so far foregone the jealousy which ought to characterise our proceedings, we are bound to be the more cautious in considering what sort of army is to be raised and maintained by these supplies: particularly we are bound to take care that we do not suffer the principles of the constitution, and the practical security of our liberties, to be brought into unnecessary danger. I do maintain that such is the tendency of the rt. hon. gent's. system. The militia itself, if it is to be raised according to the new mode proposed by the rt. hon. gent., and to be raised by the crown, will be liable, in a great degree, to the same constitutional objections which apply to a standing army, though without producing to the country the same advantages. This, and the standing army itself, will be the whole that the rt. hon. gent. proposes to leave us. Against a regular army so constituted, I doubt whether the mutiny bill itself would be the same security that we have hitherto found it. The mutiny bill is annual, and recognises no term of service. But if the rt. hon. gent's system takes effect, if we consent to raise the soldier's pay at the end of a certain number of years, and to give him certain other specified advantages at the end of another specified period, and make this the condition of his original enlistment, I confess I doubt, how far, when, by serving a portion of that time he shall have acquired a vested right in these contingent advantages, it will be competent for this house to cut short his service by a premature dismissal. The rt. hon. gent. may perhaps see some solution to this difficulty, if it has ever occurred to him: but it is at least a difficulty gratuitously incurred, and better avoided.—Sir, I think we should have been justified from the statement of the principle on which the rt. hon. gent. proposed the repeal of the additional force act, and upon which he professes to act in his plan, for the alteration of the militia system, as well as for the recruiting of the army, from the preference which he has manifested throughout, for voluntary over compulsory service, in concluding that there was at least one military institution in the country which he must regard with admiration. If the rt. hon. gent. had read in ancient history, that the whole population of a country, of a great commercial nation like this, a Tyre, or a Carthage, had suddenly quitted their accustomed habits, and had voluntarily assumed a martial appearance, and subjected themselves to military discipline, he would have spoken of such an event with enthusiasm. But realities do not suit the rt. hon. gent. Distant phantoms alone can interest his feelings. At the very time when it is said by France, when the schools of Talleyrand and Hauterive are labouring to persuade the nations of Europe, that the people of this country, gorged with wealth, and sunk in the low pursuits of gain, are altogether insensible to honour, and incapable of exertion; that the flesh has so far overgrown the sinew, that there is neither strength nor spirit remaining among them; at that very moment have they given the lie to these assertions, and proved themselves alive to every generous and patriotic sentiment. Whatever it may appear in the rt. hon. gent's. eyes, as to the military use or disadvantage of such an effort, it cannot be denied that upon the Continent at least the volunteers had given confidence to our friends, and lowered the tone of our enemies; that in whatever part of Europe this sudden rush to arms was known, the opinion there instantly prevailed, that our danger was dispelled, that England was saved. It is surely not our business, it is not the province and duty of a minister of this country, to endeavour to lower this confidence, and to re-animate the hopes of our opponent. But the rt. hon. gent. looks at these events if not with a prejudiced, at least with too impartial an eye; and what he would have hailed with rapture in the history of a distant period, and described in a learned language, brought near to his eye in action, and exemplified in the plain instance of his own country, fills him with disgust. He sees with no complacency these *belli simulacra* exhibited among persons whose every day habits are known and familiar to him. He has no reliance on their military prowess. He even fears that the assumption of the soldier by the citizen has polluted and degraded the military character. The rt. hon. gent., I know, defends himself against the charge of having uttered any personal reflections against the volunteers, of having suffered his rooted dislike of the system to betray him into any harsh language against individuals. To be sure sir, it would be but an inadequate reward for the exertions of any individual that he should not have been reviled; and yet that even this has not been the lot of every one of them, I could easily call to the recollection of the House, by reminding them of an occasion on which one most meritorious individual (Mr. Birch) was mentioned in the most unbecoming manner; whose only fault was, that abandoning all his former habits, he had come forward at a period of danger in a way which seemed to him best calculated to do service to his country, and to meet the call of the government. This attack certainly was not made by the rt. hon. gent. himself, but by a honourable Colonel (Col. Craufurd) who was generally understood to be the most intimate partner of his military counsels and opinions.—Sir, I cannot agree with the rt. hon. gent. that regular armies are the sole champions on which countries must depend for their existence; that this champion once defeated the country must fall. The rt. hon. gent. instances the surrender of Ulm, and the battle of Austerlitz; he tells us that the French force marched from Ulm to the Inn, through an unresisting population, and that Vienna fell without a blow. But I would ask that rt. hon. gent. if there had been between Ulm and the Inn, or between the Inn and Vienna, 400,000, volunteers, or the militia, of which this country can boast, would the conquest of that capital have been then so easy? or would it, in all probability, have been effected at all? (hear! hear!) I can therefore, see no cause for stating, that the very existence of the country depends on the regular army alone.—With respect to the other doctrine which the rt. hon. gent. holds in disparagement of the volunteers, that the union of the civil and military characters has disgraced the latter, my opinion is directly the reverse. I consider this union as not only peculiarly honourable to the general character of this country, but as analogous to its constitution. When it is explained to foreigners that so great a portion of the distributive justice of the country is administered by men not in the profession of the law, but by magistrates, who lend their services to the public for this purpose, they are astonished at a practice so different from that which obtains on the continent. No one I believe, however, will venture to assert that the profession of the law in Great Britain is contaminated by this practice; or that the dignity of those who fill the high magistracies of the country is in any degree impaired by this voluntary association, in some of its duties, of men who, neither are, nor pretend to be, their rivals for honour or renown. In like manner with respect to the volunteers—who has contended?—no man has contended or argued,—that the Volunteers are or can be, or need be, equal to the regular army;—nor do I so understand the reports on the table, which state that they are competent to "act with the line." All that is contended for is, that they are in such a state of discipline as to aid, and not disconcert, the regular army; to communicate strength to them, and not weakness and confusion. I heartily wish, sir, that the same words, with the same limitations, and the same justice, may be some time hence applied to the rt. hon. gent's. mass!!!—The rt. hon. gent. seems to have set out with a determination of reversing not the principles of his predecessors, but the application of them. Where compulsion has been used, "here," says he "we must have voluntary service;" and where voluntary service has been established, he thinks compulsion the only course to pursue. The rt. hon. gent. is going to propose a compulsion more violent than the country has ever experienced, by calling out his mass; and this after the services of so many volunteers have been tendered and accepted. I confess I entertain strong doubts whether the rt. hon. gen. is warranted in this project; whether after the country has, under the option given by the original levy-en-masse bill, redeemed itself from the compulsory training by furnishing more, much more, than the stipulated proportion of volunteers, it is fair and just on the part of the government to propose returning the volunteers upon their hands, and calling for the literal execution of the service in lieu of which they had been accepted. It is for the rt. hon. gent. to explain why he prefers the mode of proceeding which creates the greatest compulsion, and produces the least service; but it behoves the house to take care that they do not countenance an injustice.—To obtain the levy of this mass, recourse is to be had to ballot—ballot, which the rt. hon. gent. has held up so frequently to abhorrence and derision! But no matter. The rt. hon. gent. has a notable expedient in this ballot for keeping up the volunteers. He is no enemy, not he, to the volunteer establishment, which, on the contrary, he wishes to keep up, and to keep up by his ballot. How? The rt. hon. gent. cannot mean to subject to the ballot, volunteers who may have exercised their right of quitting the corps to which they belonged. The ballot is for the purpose of training men loosely; an individual who has been for some time in a volunteer corps, cannot by any means be supposed to stand in need of any training of this description. How therefore, can the rt. hon. gent. expect to maintain the volunteers by the operation of the ballot? If it is indeed intended to subject those who have quitted, or may quit their corps, to the ballot, this appears to me to be so gross an act of injustice, that unless some other gentlemen, better qualified, shall do so, I shall myself propose a clause to prevent it.—With regard to this mass, several questions arise, which no doubt the rt. hon. gent. will some time or other, think it fit to answer. How are they to be trained? how combined? and whither are they to go? To find officers for the purpose of training will not be so easy as the rt. hon. gent. imagines. The militia upon which he appeared to reckon, certainly cannot spare them. The very fault of the militia, is, that it is itself imperfectly officered at present. The officers of the second battalions have been mentioned for that purpose: but of the 57 second battalions, 30 are 300 strong, and want all their own officers: and the remaining 27, which are not filled up to that amount, are officered only in proportion to the amount to which they are filled. But supposing them trained, what is then to become of them? are they to be ticketed and labelled, and laid by for use? under whose custody and superintendance? who is to be answerable for their forthcoming? how will it be possible to keep a register of 200,000 names a year, which in six years will amount to 1,200,000, so as to enable government to lay their hands upon them, immediately on their being wanted? The nature and the object of their training are likewise to be matters of consideration. If they are to be employed in annoying the enemy from over hedges and behind ditches, a training would be required very different from that which the rt. hon. gent. seems to have in contemplation; and not only officers to instruct them, but commanders under whom they may rally in the day of action. But if, as has been stated by the rt. hon. gent. they are to be taken into the ranks of the regular army, I wish to know whether there is a single commanding officer, who having lost two hundred men, would not much rather go into battle again with his shattered battalions as they were, than see them filled up with men who, from their inadequate discipline, must create the utmost confusion? The house must well remember the obloquy that was cast on the measure of drafting from the militia to regular regiments, when the expedition to Holland took place;—yet how infinitely superior must the militia-man be to the peasant, who should only have been trained for 26 days in the year! And this suggests another consideration; the kind of encouragement which is to be held out to the individuals who compose the mass. I have no doubt that they will act bravely; every Englishman does so; but, certainly, it is not very alluring to say to them—"You, will never be called "on, until a vacancy occurs:" in other words, "until the man is shot, whose place "you are to supply." These men, too, are not to be regimentally clothed; so that as soon as they enter the ranks, they will probably meet with a proclamation from the enemy, that all men taken in arms, and not regularly soldiers, should undergo military execution. It is not likely, after every allowance has been made for their courage, that these men could display any great zeal under such circumstances; or at least that the full benefit can be derived from their constitutional bravery and spirit, which under better regulation might reasonaby be expected from them.—Compare, now, the object propsed by this training with the volunteers. Compare at the same time, the expence;—since the rt. hon. gent. has thought fit to make that a matter of complaint against the volunteers. The rt. hon. gent. stated the expence of the volunteers, since their institution, at the round sum of ten millions;—half of which, however, he allowed, has been contributed by the volunteers themselves. The remaining half is about 1,500,000l. more than the papers upon the table shew to have been issued by government; but say that each of your 3 or 400,000 volunteers has cost the state from 4l. to 4l. 10s. a man.—Grant that this large sum has been laid out in the disciplining of the volunteers, a sum nearly equal according to the rt. hon. gent's statement. to one year's receipt of the income tax, are the advantages accruing from that system to be hastily abandoned;—to give place to a system of loose and inefficient training, which will be an annual expence to the country of 260,000l. for the 26 days pay alone;—without reckoning arms, accoutrements, officers, registers, and every other consequent expenditure? Then as to the comparative use of the two species of force. The volunteers might make a stand, and would, in defence of the capital—the service of the rt. hon. gent's favourite troops, of his veterans of six-and-twenty sabbaths, is to begin when London has been lost. The rt. hon. gent. must have found in his office a plan for collecting a very considerable force, no less than 185,000 volunteers, at any time round London in 4 days, well armed, clothed, and fit for immediate service; and yet to this he prefers his mass, which is only to act, after London is destroyed, and thus serve as a kind of post obit on the metropolis.—I thought that it had been agreed on all hands, that of numerical force the country possessed enough, and that the only difference existed as to its nature and distribution. The rt. hon. gent. in particular has declaimed so loudly against nothing as against the too great variety of force; his remedy for this evil is to divide the regular army into two distinct classes, to serve on two different terms of service, and to add to our irregular force this non-descript species of 26 days training. Nor is this the only instance in which the rt. hon. gent. acts in direct opposition to his own avowed objects; and does precisely the thing which he sets out with a professed determination to avoid.—The rt. hon. gent. has told us that we should find in his plan, the application of all the principles which he has at different times, stated to the house. I have already had occasion to consider this declaration in one point of view; as evincing the degre of respect which the rt. hon. gent. entertains for our former decisions. But it is not to be denied that he might have told us, with equal truth, that we should find in his plan the contradiction of all the principles which he has at different times stated; a recommendation which the house would have been bound to receive with more complacency than the other. Fortunately, sir, the rt. hon. gent. among his other splendid and eminent qualifications, as a debater in this house, has one, which renders it easier with respect to him, than to any other person, to retrace the course of his arguments on the different subjects which come before us. It was said of some ancient orator, I think of Pericles, that he "left a sting in the ears of his auditors." The rt. hon. gent. has a similar faculty. Whatever argument he sustains, he has such a happy talent of marking his way by whimsical analogies and fanciful illustrations, that after his arguments themselves are forgotten, the remembrance of those illustrations easily recalls them to the mind. I shall be enabled by a few of these illustrations to recall to the recollection of the house the principles maintained by the rt. hon. gent. in the course of his opposition to the plans of his predecessors, and to exhibit these very principles, scattered through different parts of the plan which the rt. hon. gent. has himself proposed for our adoption. Ballot, we all know, was the most odious of all grievances—the most intolerable. Accordingly a countryman, hit by the ballot, was, in the rt. hon. gent's imagination, like a stricken deer, "haret "lateriel lethalis arundo," he was like David Simple, looking about for a true friend. Concurrent recruiting—the recruiting for two different services, the limited and unlimited, with two proportionate bounties,—was another of the rt. hon. gent's. aversions. This was precisely like the man who had two cats, a great cat and a little cat; and who must needs cut two holes in the bottom of his study door, one to admit the great cat, the other to admit the little one Nothing could be more absurd! Except indeed, the recruiting from one service to another, from the limited to the unlimited; and this the rt. hon. gent. absolutely overwhelmed with similitudes. It was like decanting; it was like double distillation; it was like a pump; it was like capillary tubes; it was like a reservoir; it was like a cow's stomach; it was like the lobby of the House of Commons. Now, Sir, nothing, as I have said, can be more happy than these illustrations: they are very useful too, as they afford a clue through the variety of the rt. hon. gent's. conceptions;—not a clue, like that of old, by which the rt. hon. gent. might be able to find his way back out of his own labyrinth: but rather like that of the fair Rosamond, by which his pursuers are enabled to follow him into it. Strange as it may seem, therefore, when we follow the rt. hon gent. into all the recesses and intricacies of his plan, we find him employed in putting together all the old exploded contrivances of his predecessors. Who could have thought that these heterogeneous materials, on which he has exhausted all his pleasantry, the stricken deer, and David Simple, and the cat and the kitten, and the decanter, and the still, and the pump, and the reservoir, and the capillary tubes, and the cow's stomach, and the lobby of the House of Commons—that all these would after all, be found in the philosophical apparatus with which the rt. hon. gent. himself is to exhibit his own military experiments!—Yet so it is. The ballot he proposes, it is true, to abolish in the militia: but he establishes it for his trained mass, in a tenfold proportion, and accompanied, as usual, by its old friend, fine. The concurrent recruiting he proposes, to introduce into the English militia: the transfusion, or double enlistment, he continues where he finds it, in the Irish: contradicting in this manner, every principle which he has himself promulgated, and adopting every practice which he has himself condemned.—I am far from contending, however, that by this contradiction of himself alone, the rt. hon. gent. has necessarily precluded himself from forming a good plan. I contend on other grounds, that he has not formed one; and on these grounds I contend that he has completely failed in establishing the viciousness of the principles of those which he proposes to abolish. I contend, therefore, that the question which the House has to decide to night, so far as the additional force bill is concerned, is purely a question of comparison,—of comparison between two modes of applying the same principles, that which already exists and which has been found good for something at least, and that which the rt. hon. gent. purposes to propose, and which promises nothing salutary, and nothing useful. It is not a question simply, whether the additional force bill shall be repealed. and its principles altogether got rid of;—for the principles after all the rt. hon gent. promises to re-enact;—but whether we shall gratify him by giving up a measure altogether, which a little alteration may make unobjectionable, and then trust to such hopes as he has given us for a perfect system to be produced hereafter. That any thing which he has yet opened deserves that name, the most sanguine of his admirers cannot contend or believe.—But even if the Additional Force act had failed of its effect as completely as the rt. hon. gent. contends, which (I deny) let the rt. hon. gent. moderate his imaginary triumph, and before he congratulates himself on having done that which his great predecessor failed in accomplishing, on having bent the Ulyssean bow, which had foiled the strength of that mighty master; let him consider a little whether the objects which they undertook to accomplish were precisely the same. Otherwise I imagine the comparison cannot be fairly instituted, nor the merit of the rt. hon. gent's. success, or rather the demerit of his failure, as compared with that of my late rt. hon. friend, satisfactorily ascertained. My rt. hon. friend, like the rt. hon. gent. was desirous of maintaining and supplying a considerable regular army; but he considered this as a task to be performed within certain limits, which the rt. hon. gent. disregards,—within the limits of the British constitution. My rt. hon. friend thought it his duty to raise as large an efficient military force as could be raised, without endangering the principles of our ancestors, and the liberties of the country. If he felt that he was the minister of a great empire, called upon to provide for its security, and to perfect its military system; he felt also that he was the minister of a free government, and that in all his endeavours to that end, he must have respect to the rights, to the feelings, and to the habits of the people. If the rt. hon. gent. has been able to free himself from all those awkward embarrassing prejudices, and to get rid of the "friction" which they necessarily occasion, if he has persuaded himself that the only problem which he had to solve, was the raising a great regular army, without reference to the dangers and the mischiefs to which a great regular army is liable,—he certainly set himself a much easier task, though I do not think that he is much the nearer to the performance of it. That his plan for raising an army, simply and by itself considered, and granting him as the foundation of its success the destruction of every other force, and the disregard of every constitutinal principle:—that, even so it should succeed, is I think, utterly hopeless and incredible:—but if it was to succeed, what is it that we should gain? what is to be the perfect produce of all the rt. hon. gent's. plans, the ultimate object of all his wishes? a large regular army to be sure,—but a regular army with all the civil disadvantages belonging to that constitution, but without its military perfection; an army permanent in peace, but dissoluble in war; with consistency enough to be formidable to liberty, but so fragile as to be liable to crumble under our feet in the hour of danger.—Such is not the military plan which would have contented my rt. hon. friend. I am persuaded it is not that which will content the house or the country. My rt. hon. friend could hear unmoved the repeated taunts of the rt. hon. gent.—for I would ask the rt. hon. gent. what term of reproach, what expression of contumely and contempt he has spared, what epithet of folly and fatuity he has not applied to my rt. hon. friend for the imputed failure of his plan of military improvement? This failure was sufficient, in the rt. hon. gent's contemplation, to counterbalance all the merits of my rt. hon. friend, all the services rendered to his country during an administration of 18 years, during 8 of which he had the advantage of the rt. hon. gent's. co-operation! I might now retaliate upon the rt. hon. gent. for a failure more complete, a more ridiculous contrast of big promises with inadequate results, surely was never presented to the world. But I restrain myself. My rt. hon. friend, while he agreed with the rt. hon. gent. as to the advantage of a large disposable force, never was infatuated, like him, to the degree of thinking that a huge unbalanced regular army, carried to an unlimited amount, was more necessary to our safety and power, than consistent with the spirit of our constitution. He felt it no reproach, that after all our exertion we were not yet, nor were likely to be, the first military power in the world. He knew well, that being the first naval power, and founding on that distinction our claim to the first rank among nations; that being the first commercial, the first manufacturing and one of the first agricultural countries in the world, it was not to be wondered at, that with a population comparatively so limited as our's we were not also a military power, to the same extent with the great military powers of the Continent. But he felt that it would have been a reproach to us as a nation, that it would have been a reproach to every class of the community, if it could have been imputed to us, that while the limits of our population, and the diversity of our pursuits and occupations necessarily prevented the raising and maintaining a regular army on the same scale as the great powers of the Continent;—if those same causes had prevented us from providing effectually for the defence of the country; and providing for it by such exertions as should at the same time render disposable, in a great degree, whatever regular force it is in our power or our policy to raise. With these sentiments he cherished, and would have continued to cherish and uphold, all those institutions which either springing voluntarily out of the bosom of the country, or produced by a mild and understood process of necessary compulsion, (a compulsion, mitigated to the utmost degree that is compatible with the attainment of the object) form an efficient resource for the internal defence of the kingdom; and at the same time, retain some sympathy with the habits and feelings of civil life. And he would, I am confident, have opposed a project for destroying or disheartening and discountenancing all those institutions, and relying exclusively on the army of the crown.—The rt. hon. gent. proceeds on a different principle. He thinks we can never have regular army enough. He thinks we need have nothing but regular army. Or if he admits, willingly, into his plan any other species of force, it is only as subsidiary to the regular army. He looks for that subsidiary force, not in the voluntary exertions of the higher and middling classes of society, but in the compulsory training of the lower; he would disarm the property of the country, and train the rabble.—Such as his object is, I do not think his plan is adequate to effect it. The first question to be decided is, whether his plan will produce an army at all: and the second, whether if it does, it would be such an army as the House could regard without jealousy. I think the rt. hon. gent. has not established either point satisfactorily. I think he has not shewn that he can keep up force enough of the only description which he professes to think worth having. And I think that that description of force, however valuable, is not that to which alone, unbalanced, uncontrouled, the country can safely be entrusted.—Sir, I am far from wishing that a measure should be fastened on the country, which the government are determined not to carry into effect; but I certainly wish that the house should, by their vote, shew that they do not think the rt. hon. gent's. plan all-sufficient as a substitute for our present system, unless it shall be very considerably altered from what it has been stated by him. Sir, I would myself be the first to move that the Additional Force act should be referred to a committee for the purpose of adding to what is defective, and correcting what is erroneous; and I would even after that willingly abandon it altogether, if it were found inferior to the amended plan of the rt. hon. gent. But my object is, to gain time to institute this comparison: my object is, not to part precipitately with what we have, until we are better satisfied of the advantages of what is intended to be proposed to us, and I shall therefore move. That for the word "now," in the original motion, be substituted the words "this day three weeks."

Mr. *Wilberforce* complimented the rt. hon. gent. on the very extraordinary talents which he had just displayed. He thought, however, that to the question before the house, viz. whether the Additional Force act should, or should not be repealed, he had said but little. To this point, therefore, he should confine his own observations. As an independent member of parliament, unconnected with any party, he felt it his duty to vote for the repeal of the bill, because he thought it vicious in its principle, and impotent in its operation. On this subject he had obtained information from those who were better qualified to judge of it than himself. Those whose knowledge enabled them to make an accurate estimate of its merits; those even who originally were prepossessed in its favour, now declared that the bill had been utterly unproductive. He had applied to several of the most experienced magistrates in the East Riding and the West Riding of Yorkshire. The former was thinly inhabited, the latter was very populous; they were therefore under different, and indeed opposite circumstances, yet similar answers had been returned from both districts. In the East Riding he had been told that not one man was obtained; in the West Riding, that it had completely failed. He subsequently heard, that in the North Riding also not a single individual had been procured by the operation of the act. He had afterwards written to a friend of his, a very active magistrate in Somersetshire. From him he learned, that in the Bath district, which ought to have produced 54 men, not a single man had been raised. It was true that this total failure did not every where take place; but one of the strongest objections which he entertained against the act was, that it depended for its efficiency upon its infringement, that was, that where men had been raised at all, they had not been locally raised by parishes, as it was the intention of the act to ordain, but by the ordinary method of recruiting. On all these just and solid grounds he thought that it ought to be repealed. From the long experience which he had of the conduct of the illustrious character who was the author of this bill, he was convinced, that had he lived he would have been the first person to propose at least a substantial alteration in it, if not a total repeal of it. It was one characteristic of that great man, well deserving of admiration, that although he frequently in the formation of his measures, trusted solely to the resources of his own capacious mind, upheld by the dignity of conscious rectitude; yet, that when he was convinced that these measures were erroneous, he abandoned them, regardless of the accusations which were directed against him of inconstancy and inconsistency, and readily adopted others of a different description. It was this that rendered him one of the safest ministers that this country ever saw; and the real confidence that he thus acquired amply repaid him for the humiliation, if it might be so termed, which a retrograde motion seemed in the first instance to incur. Returning to the question before the house, he declared, that in his opinion the bill called on men to furnish what it was impossible they could furnish. That the measure had been highly serviceable, as having afforded much useful information, and many valuable hints, no one could deny. It had thrown a strong light on the best mode of procedure. He concurred with the rt. hon. gent. who had just sat down, on the danger to the constitution which attended the introduction or formation of a large standing army, but he did not think that that rt. hon. gent. had stated the argument fairly. Let it be remembered that the Levy en Masse, however slight might be its training, would in time accustom the whole population of the country to arms, and they would thus be enabled to withstand a regular army, and act as a check upon it. Besides the number, who according to the rt. hon secretary's plan, must, after the expiration of 7 years from the present time, go out of the regular army annually, would by mixing with the people, very considerably increase their strength. He could not but be of opinion, that we were too much disposed to think ourselves a military nation, and to depart from our true and proper character by which we had attained to our present greatness. He thought we ought to endeavour to preserve no more of the military character, than what was sufficient to enable us to maintain a respectable rank among the nations of Europe. There were other ways in which we could occasionally assist our Continental Allies, besides that of sending them large bodies of troops. Above all, let us not think of rivalling the French as a military people. Some parts of the plan proposed by the rt. hon. secretary, he highly dissapproved. He differed widely from him about the Volunteers. He trusted that he would consider this part of the subject with fairness, and not allow himself to be so bigotted to his own opinion, as to refuse to listen to any qualification of a system which certainly in itself possessed many advantages. In several instances the Volunteers had shewn the most praiseworthy spirit and alacrity. On an alarm being accidentally given on the coast in the North Riding of Yorkshire, all the Volunteers in the West Riding were called out. The utmost promptitude was displayed, and on no occasion did such numbers attend their posts in so short a time, scarcely a man being wanted. When the rt. hon. secretary allowed, that the levy en masse would serve to recruit the ranks of the regular army, he would scarcely contend, that the Volunteers would not be much better qualified for that purpose.

Mr. *Long* said, that when in opening a new plan, the rt. hon. secretary had joined with his other propositions, one for the repeal of this act, he must consider those propositions as connected with this subject. The object proposed was an increase of the military force, in which all agreed. This he would effect, by additional honours and distinctions, and by an increase of pay; but his principle expedient was that of enlisting for a limited time. The recommendation of this practice from the customs of other countries was not sufficient. Our colonial system of itself furnished a strong objection. The nature of our situation was widely different from that of those upon the continent, where this practice prevailed. There was every reason against the repeal from considering that the numbers raised went on in an increasing ratio. If the agents under the bill did not at first perfectly understand it, they had received instructions and experience on that head. He was ready to allow, that the author of the bill, were he living, would have made some substantial alterations in it, of which he thought it susceptible. But if he refused to repeal it when it produced only at the rate of 9,000 men a year, could it be supposed that he would give it up, now that it was daily more operative? Some who objected to the bill at first, had afterwards opposed its repeal last year. Did they then expect such success as it had met with? How could they pretend to consistency, if they voted against it now? He then animadverted on the conduct of the rt. hon. gent. towards the Volunteers, and expressed his desire to hear what his sentiments now were respecting them. He had, indeed, altered his tone, and he hoped he would have manliness enough to avow a change in his opinions, if any such had taken place. He thought he had undervalued the Volunteers. Upon the August allowances 16 or 18 Volunteers might be maintained by government at the expense of a single foot soldier, and was not that an economical provision of public force for home defence? In the trained men the rt. hon. gent. would find much difficulty. He seemed to think there was no degree between a regular army and a trained mass. This he thought a great mistake. The ballot for the militia was to be dropped. What other mode could be adopted of equal efficacy for raising men at the beginning of a war? Look at the year 1803, when 125,000 men were raised through the operation of the ballot. It was certainly once the intention of his rt. hon. friend deceased, to whose fame nothing he could say could add, and from whose lustre nothing the rt. hon. gent. could say, could detract, to try the scheme of limited service in part; but not to rest upon it. But the information he received from various quarters, altered his mind upon that subject. He recollected, when the events of the French Revolution had given rise to inquiries into the theory of the foundation of all governments, that a motion had been made in that house for a Reform of the Representation of the People, and that the rt. hon. gent. (Mr. Windham) had observed on the occasion, "What! will you repair your "house whilst the hurricane is raging about "you?" He should apply the rt. hon. gent's. maxim to himself, and ask, "What! "will you new model the structure of your "army, whilst the hurricane is still raging "about you?" If the ballot should be once given up, it could not afterwards be resorted to with effect; and if the plan of the rt. hon. gent. should fail, the failure would endanger the vital interests, nay the existence of the country.

Mr. *Hawthorne* said, that feeling himself in the predicament stated by the rt. hon. gent. (Mr. Long), who had just sat down, of having originally voted against this measure, and afterwards opposed its repeal, he was desirous of trespassing upon the house as shortly as possible, in order to state the grounds upon which he should now support this motion for the second reading of the bill.—He agreed with the rt. hon. gent., that they all had but one common object, that of providing for the augmentation of the army, and it was because this law had completely failed to accomplish that object, that he now voted for its repeal.—In order to bring this question fairly before the house, he should endeavour to shew what this measure had proposed to accomplish, and what had been accomplished: the means which the law provided for carrying it into effect, and the means which had been actually employed in its execution. It was in the first place proposed to raise a limited force, which whilst it provided for home defence, would set at liberty an equivalent proportion of unlimited or disposable force. 2dly, To make this limited force a source of additional supply to the regular army, in aid of ordinary recruiting. And, 3dly, To accomplish this, not only without interfering with the recruiting of the disposable force, but to remove the obstacles and impediments that had hitherto obstructed that service, by reason of the competition between those recruiting for the limited force, and those recruiting for the disposable force, and to keep the recruiting of the two species of force entirely distinct.—To effect this, the recruiting for the limited force was to be carried on by the parish officer with a limited bounty, aided, in case of his failure, by the regimental recruiter, for a limited bounty likewise, thus extending itself, as stated by an hon. gent. (Mr. Wilberforce), over the whole surface of the country; but in order to prevent competition with each other, or with the disposable force, being restricted within certain prescribed limits, and it was proposed to give an additional bounty, to induce men already enlisted with the limited force, to volunteer into the line.—Before he entered upon this part of the subject, he thought it highly material to call the attention of the house to the state of our military force at different periods, in order that we might judge of the effects of those exertions which had been made at various times to augment the army, and that he should here follow the statements made on a former occasion, by the noble lord (Castlereagh) opposite to him. The noble lord had compared the gross force of the army as it stood on the 1st of Jan., 1806, and on the 1st of Jan., 1804, stating the gross force, on the 1st of Jan., 1806, to be 267,000 men, rank and file; and on the 1st of Jan., 1804, 234,000 men, making an increase of 33,000 men; whereas he found the gross force to be on the 1st of Jan., 1806, only 259,952, and on the 1st of Jan., 1804, 236,033, making an increase of 23,919, instead of 33,000, and giving him just ground to quarrel with the accuracy of the noble lord. (Here lord C. said across the house, that he had taken the force as it stood on the 1st of March, 1806). Mr. Hawthorne maintained, that such had been the noble lord's statements; but if he understood that the noble lord intended to compare the force, as it stood on the 1st of March, and not on the 1st of Jan., he should not pursue that comparison any further; but he confessed his surprise at hearing the noble lord take any credit for the augmentation, which appeared to have taken place between the 1st of Jan. and the 1st of March, 1806, which was chiefly confined to the German legion, not derived from any exertions of the administration, but from the result of that most unfortunate expedition to the continent. But he should now proceed to compare the force as it stood on the 1st of July, 1804, and 1st of Jan., 1806, and again complained of the noble lord, for taking the force as it stood on the 1st of Jan., instead of 1st of July, 1804; as the noble lord must have surely recollected, that the rt. hon. gent., now no more, was not then in office, and that he did not come into office until the end of May, from which time, until July, he had not attempted or proposed any one single measure for augmenting the army, except the Parish Bill, which passed on the 29th of June; whilst all the measures of the preceding administration were in full force and vigour, and continued to operate with such effect, that he might be justified in taking the force as it stood on the 1st of Jan., 1805, and placing it, with the exception of the produce of the additional force, which would not be much relied on, to the credit of that government; but he was not desirous of pressing gentlemen too closely, and should therefore take the gross force of the army on the 1st of July, 1804, as the state in which it was left by the administration that preceded the last. The gross force on the 1st of Jan., 1806, was 259,952, and on the first of July, 1804, was 246,419, being an increase, in 18 months, of only 13,533; whereas, taking it as it stood on the 1st of Jan., 1804, would give the noble lord 10,306 in favour of the last administration, but at the expense of the former, of which the noble lord was equally a distinguished member. But even of this 13,533, the last administration were only entitled to credit for so much as had been produced by the additional force, it being the only measure proposed or adopted by them with a view of augmenting the army. —The disposable force, on the 1st of Jan., 1806, was 161,541, and on the 1st of July, 1804, 125,000: being an increase of 36,541, which since the actual addition to our army only amounted to 13,533, required to be accounted for, and which appeared to have arisen partly from an obvious measure, requiring no great ability, that of transferring a part of the gross force from one service to another; he therefore found that this increase of 36,541 disposable force, was composed of volunteers from the militia into the line, 14,685; volunteers from the army of reserve (the measure of the former administration), about 6000; and from the additional force, between its commencement and the 31st of Jan., 1806, 3,154, making together 23,839. The remainder, which he had not the means of specifically accounting for, must be placed to the account of Irish levies, the foreign corps, the augmentation of the cavalry (also measures of the former government), and ordinary recruiting; 3,154 men alone, being to be placed to the credit of the last administration, resulting from this their only contrivance for augmenting the army. But having seen, that in 18 months, ending the 1st of Jan., 1806, the gross force had only increased by 13,533, it was only common justice, to compare the gross force as it stood on the 1st of Jan., 1803, and on the 1st July, 1804, being likewise a period of 18 months; and he found, that the gross force was, on the 1st July, 1804, 246,419, and on the 1st of Jan., 1803, 104,911; making an increase of 141,508 in 18 months, and for which he claimed credit on account of the uncommon exertions of the former administration, giving to the last all the benefit of the augmentation of 13,533, on the 1st of Jan., 1806: though as he had already stated, it was more than they were justly entitled to. —Having made these statements, he proceeded to examine the subject more immediately before the house. By the several acts for raising the Additional Force, it was proposed to raise, in the united kingdom, a number of men equal to the deficiencies of the army of reserve, and likewise to raise a number of men in G. Britain equal to the deficiencies of the supplementary militia; these deficiencies were to be raised immediately; and in addition thereto, it was proposed to raise in the united kingdom, in the year ending 1st Oct., 1805, 14,800 men, making in the whole 41,415 men, to be raised on or before the 1st of Oct., 1805, from which, deducting the additional 14,800, made the deficiencies of the army of reserve and the militia amount to 28,490. He should now examine what had been done towards raising this force; and it appeared by the returns on the table, that the gross number raised by parishes and regiments amounted, on the 14th of March, 1806, to 12,925, which was not one-third of the whole which ought to have been raised on 1st Oct., 1805, and leaving a deficiency of 28,490; and this giving credit for those raised by regimental recruiting, which was only to take place on the failure of the parish officers to produce their quota, and did not require the law to give it any effect. Of these 12,925, there were raised by parish officers 8,075, being something better than one-fifth of the whole.—Of the whole number England and Wales were to have raised 27,995, of which the parishes and regiments had only raised 6,997, not one-fourth of their proportion, and the parishes only 3,327, not one-seventh of their proportion, leaving a total deficiency against England and Wales, on 14th March, 1806, 20,998. With reference, therefore, to the total to be raised, there appeared to be a complete failure.—But though it might be considered as too much to demand the whole amount of 41,415, yet surely there was reason to require a number equal to the deficiencies of the army of reserve and militia, especially as the latter could have been easily filled up by the ballot. These deficiencies amounted to 26,615, to be immediately completed.

but the gross number raised by parishes and regiments, as before 12,925, was not one-half; and 8,925 raised by the parishes, or nominally so, was about one-third; and in England and Wales, the 3927 nominally raised by the parishes, was only a little more than one-half of the estimated deficiencies of the supplementary militia. Here, also, he contended, there was a complete failure. But there was another point of view in which he had a right to consider this measure, namely, with reference to those which it superseded. The house would recollect that it was proposed to augment the Irish militia 10,000 men, which by accepting their voluntary offers to the same amount, of transferring their services to this country, would have augmented the domestic force 10,000 men, and set at liberty a proportionate number of disposable force; but by this measure we had only got, in the whole, 8,712 effective men, on the 31st of Jan., 1806, from which, deducting those who have volunteered, 3817, which, in this view, were to be left out of the question, left, of limited force, 4895, not one-half of the proposed augmentation of Irish militia, nor near one third of the Irish militia, and the deficiencies of the supplementary militia, making together 17,000 men, and which could have been raised, without any difficulty, in a very few months.—The measure had equally failed in furnishing that immediate augmentation of the disposable force which the state of the domestic defence (then allowed on all hands to be complete) enabled the then government principally to turn its attention to. The total force at home, the 1st of July, 1804, was 181,569, a greater force of this description than we have been in possession of at any other period of our history; and of which 28,890 of the regular army was stationed in Ireland, far exceeding any force that country ever had, either before or since, for its protection. The force at home, 1st March, 1806, amounted to 172,677, being 8,892 less than on 1st July, 1804. On the 1st of Oct., 1805, the additional force had added by volunteers to the disposable force 4,176, not being one-third of 14,800 the number proposed to be annually gained, and including 2,732 from the army of reserve, which to this purpose was to be considered as additional force!!—With reference to the increase of disposable force, it had likewise failed on comparison with the measures it superseded. The house would recollect, that it was proposed at that time to raise 20 regiments, for 4 of which letters of service were afterwards issued; and it appeared by returns before the house, that in about 12 weeks 3,400 men were raised on account of these new levies; whereas, on the 14th of March, 1806, the volunteers from the additional force only amounted to 3,817, one-fifth of the rejected plan, raising in one quarter of a year within a few hundreds as many men as had been done by the whole of that measure, in 1 year and 3 quarters by which it had been superseded.—Having thus fairly examined this measure, he thought himself warranted in declaring that it had totally, absolutely, and completely failed in all its parts. It had, however, been said, that the measure had been more productive lately; but it was material to enquire how it became so, the means made use of to make it so, and the effects upon other branches of the public service; whether the modes by which this increase had been procured were legitimate or illegitimate. What were these modes? By crimps, by high bounties, and by breach of the law, in extending the recruiting districts beyond the limits prescribed. By means most illegitimate consolidating and splicing together the two bounties given each for its own peculiar purpose, and legal when so applied, and using them, if not strictly illegally, yet certainly contrary to the principles of the measure, to defraud the disposable of these men who, had not such means been resorted to, would have been procured by ordinary recruiting: and by all these means, raising up a competition against the recruiting for the disposable force; and which, if not speedily done away, would end in its total destruction. This increased produce commenced with Lord Hawkesbury's letter of the 16th of Sept., 1805, to which, and his letter of the 31st Dec., 1805, with their enclosures, he now referred; and demonstrated from them, that government had abandoned their original intentions of employing parish officers, and gave their sanction to the substitution of crimps in their place, to each of whom 2l. 12s. 6d. was to be given per man. This direction was directly followed up by the orders issued by the inspector-general, which no less distinctly recommended the pointing out of the double bounty to be thus obtained for unlimited service.—Mr. H. here entered into a detailed examination of the reports from the inspecting field officers, and the lord lieutenants, from which he read extracts, and on which he grounded some strong observations. The letters to which he principally adverted, were Mr. Poole's letters to lord Bulkeley; Mr. Milne's letters to the clerk of the general meeting for Lancashire; and the letters from lieut.-col. Clay, lieut.-col. Maclean, and col. Robertson; captains Carrol, Dickens, and Fearon, &c. to the inspector-general.—From these documents it appeared: 1st, that the employment of crimps was expressly recommended, and carried into effect; 2dly, that the extension of the recruiting limits was expressly encouraged and acted upon, in direct violation of the act of parliament; 3dly, that the success of the measure was confined to manufacturing districts, and that it failed in agricultural and maritime counties; 4thly, that the double bounty was expressly held out as an inducement to enter in the first instance; and 5thly, that injury was done to regular recruiting by the competition between the two services.—Mr. H. then proceeded to make several calculations shewing the effects of this measure on ordinary recruiting, and said he should take the period of 6 months of ordinary recruiting, commencing 1st Feb., and ending the 1st Aug., 1803, and which immediately preceded the vigorous operations of the army of reserve act, and should compare that period with 5 subsequent periods of 6 months each, ending 1st. Feb., 1806; not because this 1st period was the best period of ordinary recruiting in the returns then before the house, for even it was considerably embarrassed by the ballot for the militia which was then proceeding, and had actually raised for that service within the period 58,000 men; but because it immediately preceded the 12 months during which the ballot for the army of reserve and for the militia was carrying on with the greatest vigour, the effect of which and of its suspension upon the recruiting service, would be thereby the more distinctly seen. The first period of 6 months, from the 1st Feb. to the 1st of Aug., 1803, produced 6,538 men. The second period, from the 1st Aug., 1803, to the 1st of Feb., 1804, produced 4,504 being a decrease of 2,034. The third period, from 1st Feb., to 1st Aug., 1804, produced 3,749, being 2,789 less than the first period. In the course of these 12 months upwards of 70,000 men had been raised for the army of reserve and the militia, and in the 18 months 130,000. The fourth period, from the 1st Aug., 1804, to 1st Feb., 1805, the army of reserve act being supended, and the militia nearly complete, ordinary recruiting produced 5,949, being only 589 less than the first period. The fifth period, from the 1st Feb. to the 1st Aug., 1805, the measure now under consideration not having begun to operate with any vigour, produced 6,698, being 160 men more than the 1st period, But as soon as the parish officers commenced acting upon lord Hawkesbury's letter of the 16th Sep., 1805, its effects were immediately felt by the recruiting service, which from the 1st Aug. 1805, to the 1st Feb., 1806, produced only 4869, being 1,669 less than the first period and 1,829 less than the period immediately preceding. He then stated, that from the 15th June, 1805 to 31st Jan., 1806, 2,505 men had volunteered from the additional force, being at the rate of 75¾ men per week, and for six months 1,969, and only 140 men more than sufficient to supply the deficiency of ordinary recruiting in the last period of six months. And supposing that each man who volunteered received ten guineas, this gain of 140 men would have cost the public the enormous sum of 84 guineas per man, without referring to other expenses attending the execution of the measure, or to the inconvenience, the injustice, and the oppression resulting from its partial operation to counterbalance which no advantages had been gained. He should state this in another point of view, and compare 7 months of ordinary recruiting, from 1st Feb. to 1st Sept. 1805, with 7 months from 1st Sept. 1805 to 1st of April, 1806, from which it would appear that the first 7 months had produced 7,482, and the last 7 months only 5,744, being a decrease of 1,738; and comparing the last 7 months with a period of corresponding months in the years 1804 and 1805, it would appear that the 7 corresponding months from the 1st Sept. 1804 to the 1st April 1805 produced 7,477, making a decrease of 1,733 in the 7 months from 1st Sept. 1805 to 1st April, 1806, being 5 less than taking it successively. It appeared by the returns on the table, that the first three months of ordinary recruiting, in the year 1805, had produced 3562, and the first three months in 1806 only 2,517, being a decrease on three months of 1,045, and per year of 4,180; whereas the volunteering for the first three months of 1806, had produced 661, which per year would be 2,644 being 1,536 short of supplying the deficiency in the ordinary recruiting. From these considerations he contended, that the house must make up its mind either to abandon this measure, or abandon the ordinary recruiting, which must from a perseverance in this, be entirely ruined. He could not agree that there was any better prospect of success from its increased produce recently; on the contrary, when the means used to effect that increase were considered, he was confident that its continuance would only occasion greater embarrassment; and having proved that the measure had utterly failed in every thing it had proposed, he should give his vote for its immediate repeal, without any view to the substitution of any other in its place.

Mr. *Lascelles*, as he differed from his hon. colleague (Mr. Wilberforce) in the vote he meant to give, thought it necessary to state his reasons for voting as he should do on this occasion. He agreed, however, with his hon. colleague, that the men could not be raised as the act directs. Yet he should not vote for its repeal, because the rt. hon. gent. had brought forward the measures for its repeal in conjunction with other measures until he should be able to judge of those other measures. The question was not, whether this bill was to be continued, but whether the house should give it up before they knew what was to be substituted for it. For his own part, he should not agree to give up any measure that produced any supply to the military force of the country for any theories of any rt. hon. gent. He did not mean to anticipate what might be the measures to be produced by the rt. hon. gent., but should say, that from his opening statement of them, they appeared to him extremely disgusting to the Volunteers, and extremely ineffectual as to the training of the Levy en Masse. If the bill proposed to be repealed had not produced men, it certainly had not produced agitation, ferment, and apprehension in every part of the country.

Lord *Euston* concurred in opinion with the last speaker; but, from the low tone in which his lordship spoke, we could not collect his arguments.

Mr. *G. Vansittart* conceived the question before the house to be simply this; whether for the purpose of raising men for the army, parish officers should be preferred to recruiting officers? and also, whether the parishes should be subject to a penalty of 20l. for not raising men whom it was out of their power to procure? There was no degree of necessity which could warrant such a measure, so oppressive was it in its operation; and yet he was persuaded that more men could be had from the regular recruiting. In the county which he had the honour to represent (Berkshire), it was found quite impossible to procure the quota required by the act under consideration. Indeed, only 11 men had been obtained altogether. The parishes had, in consequence, been assessed to the amount of 6,620l. and no less than 4,000l had been actually paid. Would then the rt. hon. gent. (Mr. Canning) propose to release other counties which had not yet furnished their quotas, or paid the penalties? and if he would, he could not conceive upon what principle of equity the penalties paid by Berkshire should not be refunded.

Mr. *Spencer Stanhope* had certainly many objections to the bill, the repeal of which had been moved; but still he would contend, that it had not had fair play. As to the other topics that were to follow, in consequence of the general plan of the rt. hon. gent., he should have thought that rt. hon. gent. the last man to propose a limited service. How often had he declared against the ill effects of such a system, as manifest in the militia. In short, he thought the plan in contemplation went to tamper with the militia, to tamper with the levy en masse, to tamper with the Volunteers, and with the whole of the existing military establishment. With respect to the Volunteers, he thought it would be a gross violation of the public faith, more especially after the solemn vote of thanks which had passed that house in their favour.

Mr. *R. Thornton* supported the original motion, although he was formerly an advocate for the bill which it proposed to repeal; but he was disappointed in the effects promised from it. Some men were no doubt raised by it, but the means adopted were extremely exceptionable. From inquiry he learnt that the expedient resorted to in several parishes for procuring men was this; the men not being raised in due time, the parish officers levied the 20l. penalty, out of which they took so much as, added to the sum allowed by government for each man, actually made up a bounty of 27l. The balance of the penalty was used in the same way, and thus by high bounties the men recently raised were induced to enlist.

Mr. *Bastard* said, he disapproved of every limb of the Minerva which had lately sprung from the rt. hon. secretary's brain, and hoped it would prove equally objectionable to the house. The rt. hon. gent. would have the country to rely altogether on a standing army, but he deprecated the idea. The battles alluded to by the rt. hon. gent. on a former evening (Marengo and Austerlitz), decided, no doubt, the fate of a nation. But why? Because that nation relied altogether on a standing army, and because the people could not be trusted with arms. But it would be a libel on the people of England to suppose that a very different result would not take place in this country, even were the standing army extinguished, provided our gallant Volunteers were under the direction of able officers. He could not but remark, that the rt. hon. gent., in an exposition of his new system, had conveyed a pretty strong libel upon the Militia and Volunteers of the country. He here reiterated several of the rt. hon. gent.'s expressions on that occasion, and expressed a hope that he would not persist in the intention he had announced, of drawing the coats of volunteer from their shoulders, and clothing them in carter's frocks. It was not upon a regular army that a nation ought to be taught to depend, as, in that case, the people became supine, indifferent to every thing martial, and regardless of the means for their own defence.

Lord *De Blaquiere* did not think it fair to consider the Additional Force act as an abstract proposition. Its repeal made part of the system of the rt. hon. gent. who presided over the war department, and it was not possible to discuss it without adverting to his plan. The impression upon his mind was, that the rt. hon. gent. wished to lower the volunteer system from what he stated in his opening speech. There might be defects in that system, but he would not consent to part with it, until the rt. hon. gent. came forward with something in its place. The objections to the allowance of rank he could not consider as unfounded. It was certainly a privilege which had been profusely bestowed. It put him in mind of what took place in Ireland formerly under the old militia, of which there was a corps in the county of Cork, consisting of only 20 men, and in which there were 16 lieut.-colonels. He gave his support to the amendment.

Mr. *Sturges Bourne* was not surprised that the gentlemen who supported the bill, wished to confine the discussion to it, and wave the consideration of the other parts of the new system. They were aware that much prejudice against the act which it was proposed to repeal, existed both in and out of that house, and they resolved to rely rather upon the objections to the bill, than upon the merits of their own plan. He complained, that in a particular county, Berks, which had been forward in petitioning against the act, the magistrates had not done their duty; and in support of his assertion, he read a letter which had been laid on the table from the inspecting officer of that district. He deprecated any alteration in the Volunteer system, and particularly the discontinuance of the permanent duty, to which he attributed the scanty returns of that force now before the house. One fortnight's permanent duty, he had the authority of experienced military men for declaring, would do more towards the improvement of their discipline, than the 26 days proposed by the rt. hon. gent. He was unwilling to give up the bill without seeing a sufficient substitute.

Mr. *C. Dundas* vindicated the conduct of the magistrates and parish officers of Berkshire, who could not, he contended, succeed in raising the men required, unless they violated the provisions of the act under consideration, both with regard to the bounty and to the space presented. The hon. gent. observed that the execution of the act was quite impracticable. He remembered a letter to have been sent by the secretary of state to the lord lieut. of Berkshire, requiring him to assemble the parish officers of the county and to call upon them to execute the act. But the answer of the lord lieut. very properly was to this requisition, that he had no power to call the parish officers together, or to enforce the execution of the act. And in point of fact, no such power did or does exist. From this instance it would be seen what provisions the authors of this law had made for its enforcement, and what knowledge they must have possessed of the details necessary to the promotion of that object.—After a few words from lord Stanley, generals Norton and Mr. Golding, the house divided on Mr. Canning's amendment, Ayes 235, Noes 119, Majority 116.

Before strangers were re-admitted, a conversation commenced on the future progress of the bill. It appeared that Mr. Windham had enquired on what day it would be convenient for the gentlemen on the opposite side to go into the committee?

Lord *Castlereagh* expressed his determination to oppose the bill in every stage of it. He felt it to be his duty to embrace every opportunity of discussing the new military philosophy proposed by the right hon. gent. He would not go into the question at so late an hour. As to the manner in which it was argued by his rt. hon. friend (Mr. Canning) he was persuaded a very large proportion of the members present would agree with him, that it was the only way in which it should be argued.

Mr. Secretary *Fox* said, he thought he now understood the rt. hon. gent.(alluding, we understand, to something said by Mr. Canning, while strangers were excluded). Every man, to be sure, might choose his own way of discussing a proposition, so those who opposed the bill brought in by his rt. hon. friend might wish to avoid entering into the merits or defects of the act it was intended to repeal; but, for his part, he would not discuss other measures while a particular bill was under consideration. He was not indeed surprised that they should abandon the defence of their favourite Additional Force act, and endeavour to fasten upon the other parts of the plan proposed by his rt. hon. friend. The rt. hon. gent (Mr. Canning) had displayed no little share of dexterity in evading the discussion of the only question which was before the house. He would admit that his speech was a most able one, but still it appeared to him to have one defect, and that was, that no part of it was directed to the consideration of the act it was proposed to repeal. He would be as ready to meet the rt. hon. gent. on that subject, as he would on the other parts of the plan, when they should be regularly submitted to the house.

Mr. *Canning* could not conceive why the rt. hon. gent. (Mr. Windham) should think it extraordinary that the system which he produced in an elaborate speech of 4 hours should be discussed. For what purpose did he bring it forward, if it was not intended that it should be considered by every man in the country? Was a system over which the whole nation was lamenting, which had filled with alarm and dismay every man in it, to be passed over in silence? If a man proposed a series of resolutions, and concluded a 4 hours' speech with moving the first of them, were you to be debarred from considering the whole? The rt. hon. gent. was much mistaken, if he supposed there was any shyness on that side to encounter his system, than which there could be no thing more preposterous and absurd; a system calculated to shake the whole of our military establishment, to produce dissatisfaction in the army, and to make it doubt of the propriety of its existence. A system —(Here there was a cry of order from lord Temple)Mr. Canning wished the noble lord to state his reasons for calling him to order.

Lord *Temple*.—The rt. hon. gent. has called on me to state why I called him to order. I did so because I conceived the language he employed not fit to be attributed to a proposition brought forward by any member of this house, much less to a member of his majesty's government.

Mr. *Canning*.—I trust, Mr. Speaker, we are not come to those times when a strong government, which shall be unable to answer an argument, shall be able to put it down. I trust, sir, that we are not to have silence imposed upon us in this house. I do hope that the noble lord, and those who are connected with him in his majesty's govt. will not deprive us of the liberty of speech; that we shall be allowed the freedom of discussing their measures. I do hope that the noble lord does not mean to have recourse to a plan of which I have formerly heard. It was once observed to Mr. Burke, by a member of this house that he was surprised ministers, instead of debating, did not try the effect of silence in that house; to which he answered "that they had tried it, and "they found it would not do." So I will tell the noble lord. Why did his rt. hon. friend bring forward his plan before the recess, if he does not mean to proceed with it immediately? Does he mean that it should go forward, or does he not? I think I have a right to ask that question.

Mr. *Windham* did not think the manner in which he was questioned entitled to an answer. He was however fully prepared to assure the house, that no change had taken place in his mind respecting the measures which were connected with the motion the house had decided on, and he should bring them forward when they were in their due state of preparation.

Colonel *Craufurd* conceived the statement of the rt. hon. gent. opposite to him (Mr. Canning) to be of a most mischievous tendency, and he thought he ought to have been stopped before.

The *Speaker* submitted it to the judgment of the house whether he deserved this reproof.

Colonel *Craufurd* said, that nothing was more distant from his intention than any such reproof. He meant that the rt. hon. gent. ought to have been sooner stopped by some other member, for that his language was calculated to produce discontent in the army.

Mr. *Perceval* asked, was the country now in a situation that deprived members of that house from stating what they conceived might be the mischievous consequences of any measure? Should the measure to be brought forward have the effect of creating disquiet, and perhaps mutiny, was not a member of that house at liberty to urge as an argument against it, that it was of a nature to produce such effects? The measure was yet only in the shape of a project or proposition, and so long his rt. hon. friend was perfectly at liberty to inveigh against its pernicious consequences: should it pass into a law, he would know how to respect it.

Mr. *Sheridan* said, that the question was taken up in a tone and manner neither suited to the house, nor to the subject under discussion. His rt. hon. friend had been called to order. He should not now say that he was disorderly; but he would say, that the language used by him was unsuitable and unseemly. It declared no less than that the measures proposed by his rt. hon. friend were of a nature to shake the security of our military system, and make them doubt the propriety of their existence. Such language was a double libel, a libel upon the army, whom it supposed capable of doubting of their due existence, and a libel on the house, that it was supposed to have entertained anything that could have such a tendency.

Mr. *Canning* declared that as long as he had the honour of a seat in that house, he should speak his sentiments freely and openly, and not be deterred by the noble lord, or any other person, even a minister, from performing what he conceived to be his duty.

Lord *Castlereagh* wished to know when it was intended to go into a committee on bill. After some conversation between the noble lord, Mr. Fox, and Mr. Windham, it was agreed that the bill should be committed on Tuesday next.—Adjourned at 2 o'clock.

HOUSE OF LORDS.

Thursday, May 1.

[MINUTES.] The house met at 10 o'clock, and, after reading the bills on the table proceeded, about 11, to Westminster Hall, to attend the trial of lord visc. Melville. About a quarter past 4 their lordships returned, and continued for some time in discussion, during which strangers were excluded. An order was made to proceed again to-morrow on the trial of lord Melville, and a message sent to the Commons to acquaint them therewith.—Mr. Jones, marshal of the King's Bench prison, and Mr. Nixon, deputy warden of the Fleet Prison, presented, pursuant to the order of the house. Accounts of the number of Prisoners for Debt confined in those prisons.—Mr. Irving, inspector general of exports and imports presented several papers respecting the ships and their tonnage employed in the West India trade, which were ordered to lie on the table, and to be printed.—The Appraisement Duty bill, and the Wine Duties bill, passed through committees, and were reported.

HOUSE OF COMMONS.

Thursday, May 1.

[MINUTES.] The Foreign Linen Drawback bill was read a first time.—A message was brought from the lords stating, that they had agreed to the Export and Import Duty bill, and to the Excise Duty bill, without any amendment. Also that their lordships would proceed farther in the trial of lord Melville to-morrow.—The Speaker informed the house, that he had received a letter from lord Collingwood, dated on board the Queen, at sea, March 24, 1806, in answer to his letter communicating to his lordship, to lord Northesk, and the captains, officers, seamen and marines who served under them in the Battle of Trafalgar, the thanks of the house for their conduct on that occasion, in which his lordship expressed his due sense of the honour conferred on them by so signal a mark of the approbation of the house, and declared his confidence that when a fresh opportunity presented itself, the fleet under his command would continue to merit the approbation of their country.—On the motion of the lord advocate of Scotland, the house went into a committee to consider the act of the 26th Geo. 3. ch. 47, settling the Salaries of the Judge of the Admiralty in Scotland, and of the Commissaries of Edinburgh. On the motion of the learned lord, resolutions were afterwards introduced in the committee granting an additional salary to the judge of the admiralty in Scotland, of 400l. per annum; and to each of the judges of the commissary court of 150l. per annum. And, on the motion of Mr. W. Dundas, it was ordered that these, together with the former salaries, be net salaries without any deduction.—Sir J. Newport moved that the order for the 2d reading of the Dublin paving bill be discharged, stating, that it was the intention of the Irish government to bring in a bill for a similar purpose.—Mr. Alexander brought up the Report of the Committee of Ways and Means of yesterday, when the Resolution extending the duty on

Pig Iron to the stock on hand was read and agreed to, and was ordered to form a provision in the Iron Duty bill.

[SLAVE IMPORTATION BILL.] The *Attorney General* moved the order of the day for the third reading of this bill. On the question being put,

Mr. *Rose* cautioned the house how they were deceived by mistaken ideas of humanity into the passing of this bill. No measure which had been brought forward for a long time could, he was convinced, inflict so deep and lasting a wound on the commerce of this country. He had communicated his sentiments on the subject to ministers. Whether they had attended to them, he could not say. But he now stated to the house, that the passing of this bill would occasion a loss to British manufacturers of not less than from 2 to 3 millions annually, besides lessening our export of East India commodities; and this at a time when the north of Europe was almost closed against us, and when measures were taking in North America to narrow the introduction of our manufactures into that country. Neither would this bill tend to promote the cause of humanity. The Americans at present carried it on without any restriction, and not subject to those wise and humane regulations which parliament had enacted as binding upon their own subjects. The object of the framers of the bill on the score of humanity would not therefore be attained; while our trade with Africa, which was exceedingly important, would receive the most serious injury. He particularly objected to one clause of the bill, which enacted that if any foreign vessel should take on board from this country, any manufactures to be disposed of in the African trade, it should be liable to be seized. No human ingenuity could devise a regulation more likely than this to endanger a breach of amity with North America, since vessels from that country were very frequently in the habit of fitting out from our ports for that very trade. He felt it his duty to make these observations, and expressed his conviction, that should the bill pass into a law, it would be attended with the most baneful effects.

Mr. *Bagwell* supported the bill, but hoped it was not meant to be substituted for the total abolition, which he was convinced, would accord better with the feelings of the present ministers. He was a friend to the present bill, however, as he was convinced every friend to humanity must be. The Slave trade was an evil of which any diminution would give him pleasure. It was an evil which had increased, was increasing, and ought to be diminished.

Sir *R. Peele* took shame to himself for not having attended during the previous stages of the bill. He had not been aware that it was a bill so mischievous in its nature as he now found it to be. Instead of benefiting the cause of humanity, it would injure it exceedingly. What was given up here would be adopted elsewhere, without any of the humane regulations established by this country. Government surely did not wish to bring all human misery to a focus, and that that focus should be Great Britain! If we were, however, to philosophise, let us do so while our looms were full. Was it a reason because our artful enemy had at present succeeded in putting our trade to a stand, by driving our manufactures from the continent of Europe, that we should aid him in accomplishing his end, and should ourselves banish them from the colonies?

General *Gascoyne* argued, that if slavery was to be tolerated, and the state of our colonies shewed that to be necessary, no mode of carrying on the trade could be better than that established for British vessels in the regulations enacted by parliament. If this bill were to pass, it would not prevent the importation of slaves into the colonies which was the object. The hon. general then proceeded to shew, that some of the provisions of the bill would tend to excite a breach between this country and America, and that its general object was inconsistent with the terms of capitulation granted to the enemies' colonies on their surrender. He concluded by moving an amendment, that the bill be read a third time this day three months.

Sir *W. Young* said, he thought the rt. hon. gent. (Mr. Rose) and the hon. baronet, who spoke last but one, were mistaken in their ideas of the injury it would be of to our commerce. He denied that so great a share of our manufactures were sent to Africa. In the port of Bristol, four ships in five did not deal in slaves, and there were not more than 331 imported into all the islands which had been captured; indeed, except in two of those islands, there was not one imported. The merchants of this country had sent such a glut of goods and manufactures for some years past, that they had greatly injured the value of West India produce, and the gentlemen who had estates in the islands did not receive two thirds from their estates of what they did 20 years ago. He looked on this bill, therefore, as a boon to them, and he thanked the learned gent. for having brought it forward. There were no petitions against it, but from London, Liverpool, and the Island of Jamaica, not one from any other island; and for those reasons the bill had his support.

Sir *C. Price*, at the instance of several very respectable merchants of the City of London, was induced to oppose this bill, which, if passed into a law, would be injurious to the country in general, and to London in particular. This was not a time to shut a door by which we were enabled to export Manufactures to the annual amount of 2,800,000l. In the present circumstances of the country, trade ought to be encouraged, instead of being shut out from those places that were still left open to us. He was always willing to favour the cause of humanity, but this was neither the mode nor the time at which such a bill as the present ought to pass.

Mr. Secretary *Fox* acknowledged the communication stated to have been made to his Majesty's ministers by the rt. hon. gent. who commenced the debate. He thanked him for that communication, and assured him that he had read it with minute attention; but he begged leave to say, that possessing still the same sentiments upon the subjects of the Slave trade, which he had so uniformly professed in that house, it was not very likely that the arguments urged by the rt. hon gent. should change his sentiments. But if the statement was true which had been made by an hon. bart. and he was certainly good authority upon the subject, he could not easily perceive that such injuries were likely to result from the regulations of this bill, which the rt. hon. gert. seemed to apprehend. He was ready to admit, that any measure really tending to depress the commerce of the country should be avoided, and especially in a period of war; but he should be glad to know how the rt. hon. gent. could apprehend such a consequence from a regulation of this sort now, when, during the last war, he was one of those who advised, and certainly well advised, his majesty to the issue of that proclamation, in virtue of his just prerogative, which this bill only went to confirm and render more effectual? As to this bill having an operation gradually to abolish the Slave trade, as some gentlemen seemed to apprehend, he owned he could not flatter himself in the hope that it would produce such a consequence; and if he thought it would have such a tendency, instead of that being with him an argument against the bill, it was one which would render him ten times more enamoured of it; but so far from such a consequence, he thought it would only operate some few years hence, to furnish a new argument, added to the old ones, of those who opposed that abolition, but on which certainly he never placed any very strong reliance. They had predicted in the same manner of the slave-carrying trade, and of every other regulation calculated to palliate the enormous abuses of that trade. They had said, "Oh! if you pass this bill, there will "be no need to say any more about abolish-"ing the Slave trade, as in a very few years "you will have no such trade to abolish;" and yet afterwards, when the gradual abolition came to be proposed, the same persons argue, "Why abolish? You have already "established such wholesome restrictions "upon the trade as to obviate its evils, and "make it tend of itself to a gradual aboli-"tion." Such might probably, in a year or two hence, be the argument applied in respect of this bill, which was now spoken of as a measure destructive of the trade of this country. Having, however, no such apprehension, such arguments had no influence upon his mind. With respect to the total abolition of the Slave trade itself, whatever gentlemen might think of the consistency of those ministers in office, who had voted for it out of office, he would not take upon himself to answer for the opinions of all his Majesty's ministers: he could answer for himself, and several of those with whom he had the honour to act, and some of whom held the highest and most dignified stations in the other house of Parliament, as well as in this, that neither he nor they had ever changed the sentiments they had so repeatedly avowed upon it. They still felt it as one involving the dearest interests of humanity, and as one which, however unfortunate this administration might be in other respects, should they be successful in effecting it, would entail more true glory upon their administration, and more honour upon their country, than any other transaction in which they could be engaged. After all that had been said on this subject, it would be felt that the measure would most properly be brought forward by the hon. member opposite to him, whose laudable exertions in that case resounded so much and so justly to his own praise. Whether he should think proper to bring it forward this session or the next, (the sooner the better), he could assure him of his most cordial support, and that of those friends who, out of office, had voted with him for the abolition of that abominable trade.

General *Tarleton* observed, that this measure would prove highly injurious to our commerce and manufactures and was peculiarly impolitic at this time. He deprecated this proceeding highly, and hoped that the house would at least take time for consideration. He was sorry to observe that the ministers were much more active in injuring the trade of the country, than in providing for its defence. The house then divided on the question whether the bill should now be read a third time. Ayes, 35. Noes, 13. The bill was then read a third time and passed.

HOUSE OF LORDS.

Friday, May 2.

[Minutes.] The house met at 10 o'clock, and proceeded about 11 to Westminster-hall, to attend the trial of lord Melville. Their lordships returned about 4 o'clock, when an order was made to proceed again on the trial the next day, and a message sent to the Commons to acquaint them therewith.—The Wine Duty bill and the Appraisement Duty bill were read a third time and passed. Lord St. Vincent's Annuity bill, the Longitude bill, and the London Docks bill, were read a second time. The Admiralty Jurisdiction Bill was also read a second time.—Lord Holland presented petitions from the prisoners confined for debt in the county gaols of Chester, Gloucester, Worcester, and Surrey; and also a petition from a person confined in the four-courts marshalsea, Dublin, praying for relief; all of which were ordered to lie on the table. The Attorney General brought up the Slave importation bill from the Commons, which was read a 1st time.—The Duke of Clarence professed himself decidedly hostile to the bill, and declared that he should give it his most strenuous opposition.

HOUSE OF COMMONS.

Friday, May 2.

[Minutes.] A message from the lords informed the house that their lordships had agreed to the Appraisement Duty bill, and the Wine Duty bill, without any amendment. Also, that their lordships would proceed further with the trial of lord Melville to morrow at 10 o'clock, in Westminster-hall.—Mr. Baker presented a petition from the malsters and makers of malt, in the county of Hertford, praying relief from certain regulations in the mode of collecting the duty on malt. Sir J. Sinclair brought up the report of the committee for augmenting the salaries of the judges of the Admiralty in Scotland, and the judges commissary of Edinburgh. The resolutions were agreed to, and a bill ordered accordingly.—The West-India Indemnity bill passed through a committee without any amendment.—Lord H. Petty, pursuant to notice, moved for leave to bring in a bill for the better regulation of the office of receiver-general of the excise. The measure was founded upon the same principle which the house had acted upon in passing the bill for the regulating the office of Treasurer of the Ordnance. The object of it was to prevent balances accumulating in the offices, and to provide that so much of the public money as was not wanted for the necessary payments in the office should be lodged in the Bank. Leave was given. The noble lord also obtained leave to bring in bills for the better Regulation of the offices of receiver-general of the customs, stamp duties, post-office, and surveyor general of woods and forests.

Pig Iron Duty Bill.] The order of the day for the house going into a committee on the Iron Duty bill being read.

Lord *Henry Petty*, observing that it was the wish of government to obviate, if possible, the various objections that had been made to this measure, and that it was intended to introduce several amendments for that purpose, hoped there would be no objection to the bill's now passing through a committee, *pro forma*, with a view to its being recommitted on Thursday.

Mr. *Rose* said, he should not object to the proposition, though he did not think that any alteration or modification would make it palatable, or fit to be adopted.

Mr. *Wilberforce* coincided in sentiment with his right hon. friend, but this was a strong reason why he should also consent to the proposition made by his noble friend opposite to him. For so full of confidence was he in the grounds of his opposition to this bill, that he was sure the more the objections to it were weighed the stronger they would appear. The tax would branch out into such a variety of ramifications, and affect such a variety of important interests, that it could not be agreed to. Having said this, he agreed to allow the noble lord the delay which he asked, and he had no doubt, that the noble lord himself would be better prepared to discuss the subject at a future period, and to perceive the force of the objections to it. He therefore gladly acceded to his desire of an opportunity of reconsidering it. Those who opposed the tax would lose no opportunity of stating their objections. They would lose no stage of the bill, and might afterwards object to the Speaker's leaving the çhair. They would in the mean time have an opportunity of gaining information on points which might otherwise remain doubtful, such as the drawback, &c. It was the interest of all therefore to accede to this proposition.

Lord *A. Hamilton* did not think he should discharge his duty to that part of the country which he represented, if he did not enter his protest against the measure.

Mr. *Vansittart* observed that though he did not think any thing could alter the opinion he entertained on the propriety of the measure, yet he should be glad to have time for considering a statement on the subject, which was this day put into his hands. —The bill was then committed *pro forma*, and ordered to be recommitted on Thursday.

[Slave Importation Bill.] Mr. *Wilberforce*, in consequence of a difference of opinion, which took place the preceding night, on a matter of fact respecting the Slave trade, thought it was necessary for him, in support of his opinion, to move for certain papers. It had been stated that a very considerable trade in slaves had existed for a long time between the merchants of this country and the Spanish colonies in South America. He thought, in justice to his late right hon. friend (Mr. Pitt), and to himself, it was necessary to state the nature and origin of this trade. In the year 1797, when this country was actually at war with Spain, the government, having understood that there was no objection to receiving a certain quantity of British manufactures in the Spanish colonies, issued an order of council from certain free ports in the West Indies to the Spanish colonies. Afterwards they found, with great pain, that this order, which was made only with a view to the introduction of British manufactures, was made use of to cover a slave trade. They, therefore, in March, 1798, issued another order in council, and directions to the commanders of his Majesty's cruisers, in which order the word slaves was purposely omitted. The intention of the government had therefore been manifested for a long time against this branch of the slave trade, and what was carried on was by a species of smuggling, that was perfectly unauthorised. There were subsequent orders that the trade should be allowed to be carried on during the present war as it was during the last. To confirm his statement in this respect, he should move for copies of the instructions given to the captains of his Majesty s cruisers upon this subject, on the 20th of November, 1797.

Mr. *Rose* contended that the Slave trade which was carried on in this manner with the Spanish colonies, was the means of introducing an immense quantity of British manufacture, which would otherwise have been excluded. In the course of a single year he had known no less than 113 vessels, laden with British manufacture, to arrive in the ports of Spanish America, carrying with them on an average about seven slaves each, which was but a colour to the more important trade, the sale of British manufactures. From the acquisition of Jamaica, down to the present reign, there had been always a trade with the Spanish colonies; and it appeared to him that the orders which were only relative to prize and capture could not interfere with the legality of the trade.

Mr. *Francis* asked what the right. hon. gent. supposed to be the average value of the cargoes of manufactures which had been in this manner introduced?

Mr. *Rose* replied, that vessels worth 50,000l. had found a market in the Spanish colonies for their cargoes under the colour of selling 12 or 15 slaves.

Mr. *Wilberforce* denied that the sale of British manufactures was at all connected with that of slaves. The Spanish colonists could be supplied directly with slaves from the free ports under neutral flags, and therefore the 7 or 8 that might be brought in a British vessel could not be the reason of allowing the sale of British manufactures. He did not like the defence set up by the rt. hon. gent. (Mr. Rose) of the morality of smuggling, if the parties were content to run the risk of capture. He thought that this would not be a very safe doctrine for him to preach to his friends on the southern coasts of England.

Mr. *Rose* declared himself to have been a friend to the abolition originally, and that he thought it might have taken place long before this, if it had not been for the ill-judged manner in which the rt. hon. gent. introduced it, and the pertinacity with which he persevered in it.

Mr. *Wilberforce* said, that it was an odd way for the hon. gent. to shew his friendship to a measure, by constantly opposing it in every stage. As to the manner he had thought proper to bring the measure forward, it was a manner that had been approved of both by the late and present first lord of the treasury, and by many persons for whose judgment he had the highest value.

Mr. *Manning* said, that the laws of Spain prohibited the introduction of British mafactures into its colonies; and it was only having slaves on board that protected the vessels from seizure by the Guarda Costas. —After some further conversation the motion was agreed to.

HOUSE OF LORDS.

Saturday, May 3.

[MINUTES.] The house met about 10 o'clock, and proceeded soon after 11 to Westminster-hall, to attend the trial of lord viscount Melville. Their lordships returned about half-past 4, when an order was made to proceed further on the trial on Monday, and a message was sent to the Commons to acquaint them therewith.—Lord Holland presented petitions from the prisoners confined for debt in Horsham gaol, Sussex, and the Marshalsea, Dublin, praying for relief, which were ordered to lie on the table.—Lord St. Vincent's Annuity bill and the Longitude bill passed through committees, and were reported.

HOUSE OF COMMONS.

Saturday, May 3.

[MINUTES.] Mr. Owen from the East-India House, presented an account, pursuant to an order of the 16th April last, of the sums of money paid to the creditors of the Nabob of Arcot, specifying the names of the individals who had received the same, and also the amount of the debt remaining unpaid; which were ordered to be printed. —A message from the lords informed the house that they had agreed to several private acts; and that they would proceed further on the trial of lord Melville on Monday.

HOUSE OF LORDS.

Monday, May 5.

[MINUTES.] Their lordships met at 10 o'clock, and proceeded to Westminster-hall. They returned soon after 4, when an order was made to proceed farther on the trial of lord Melville the next day, and a message was sent to the Commons to acquaint them therewith. The royal assent was given by commission to the 3 million Exchequer bills bill, the Appraisement Duty bill, the Wine Duties bill, Sir J. T. Duckworth's Annuity bill, the Irish House-Tax Repeal bill, the Irish Bank Note bill, the Witnesses Liability bill, and several private bills. The commissioners were the lord Chancellor, lord Walsingham, and lord Auckland.—Lord St. Vincent's Annuity bill was read a third time and passed. —The Admiralty Jurisdiction bill passed through a committee, and was reported. Petitions were presented by the duke of Clarence, and lord Hawkesbury, against the Slave Importation restriction bill. The 2d reading of the bill was fixed for Wednesday, for which day the lords were ordered to be summoned. The petitioners to be heard by themselves, or their counsel, against the bill on the second reading. —Lord Sheffield presented a petition from several merchants and others against the American Intercourse bill.

HOUSE OF COMMONS.

Monday, May 5.

[MINUTES.]. The deputy usher of the black rod appeared at the bar, and required the attendance of the house in the House of Lords, to hear the royal assent given by commission to certain public and private bills. The speaker accordingly attended, accompanied by several of the members, and, on his return informed the house that he had heard the royal assent given by commission to the 3 millions Exchequer bills bill, the Customs duty, Exports and Imports, Appraisement Duty, and several other public and private bills.—Sir J. Anderson obtained leave to bring in a bill for amending an act of the 43d of the king, for preventing the damaging of raw hides and skins in London, Southwark, and for 15 miles round.—Mr. Byng brought up a bill for embellishing the area of Bloomsbury square, which was read a first time.—A new writ was ordered for the election of a member for the county of Chester, in the room of W. Egerton, Esq. deceased.—On the motion of lord Temple, the house resolved itself into a committee on the Tortola Free Port bill. In the committee, lord Temple proposed a clause, permitting the importation of sugar into this country from Rhode harbour, in the island of Tortola, to the amount of 4500 hogsheads annually. After a conversation, in the course of which Mr. Rose, Mr. Perceval, lord Castlereagh, and Mr. Johnstone, opposed the clause, and lord Temple and Mr. Vansittart supported it, a division took place, when there appeared, for the clause, 31; against it, 19. Majority, 12.

HOUSE OF LORDS.

Tuesday, May 6.

[MINUTES.] Their lordships proceeded to Westminster-hall at 10 o'clock, and returned about 4. An order was made to proceed on the trial of lord Melville, on Thursday.

[AMERICAN INTERCOURSE BILL.] Lord *Sheffield* rose, pursuant to notice, and said, he was fully aware he could not do justice to the cause he undertook; but he could not refrain from recommending the postponement of the second reading of the bill, until the petitioners against it could be heard; he observed, that, perhaps, petitions of greater importance, or more respectably signed, had never been presented to the house. The petition of ship-owners of the port of London, not only remonstrated against the general discretionary system of relaxing the navigation and colonial law, but it also stated the deplorable state of the shipping trade, and prayed that they might be heard in proof thereof. He observed that there was not the slightest proof before their lordships, of the expediency or necessity of the measure; for he could not believe, that any attention would be paid to the stories that 15,000 slaves were starved in consequence of the navigation laws having been enforced. He then said, that judging from the declarations and conduct of the noble patrons of this bill, he thought himself justified in pronouncing that their great object was to prevent their lordships receiving any information, or going into any enquiry or examination; but if their lordships did not refuse to give time for the presenting petitions, and if they did not refuse to hear how the people were aggrieved, they would find it proved at their bar (and he pledged himself it should be proved), that not one person was lost in consequence of the navigation laws having been maintained; that the scarcity and supposed loss of people (which instead of 15,000 did not amount to 1500) were the consequence of a hurricane, which destroyed the food of the negroes, and he would assert, that no operation of the navigation laws was at all in question, and that the governors exercised the power of opening the ports as usual on emergency. He must notice an assertion, and an extraordinary assertion it was, that this measure was not an object for investigation or inquiry, but a kind of political measure with which the people had nothing to do, and that it merely transferred responsibility from West-India governors to his majesty's ministers at home; in other words, it took responsibility from those who alone could be judges of the necessity, and gave it to his majesty's ministers at a great distance, who could not possibly know any thing of the matter. This power, however, must be delegated to the persons from whom the responsibility was removed; that is, to persons who actually derive emoluments from the frequency of the abuse. If the petitioners were allowed to state how they would be aggrieved, they engaged to shew, that the British colonies in America which were in a rapid state of decline, in consequence of the suspensions of the navigation laws, must be utterly ruined even by this temporary measure; and that if the British empire cannot at all times furnish the necessary articles to the British West Indies (the contrary of which however may be proved), that the intercourse with the American States for supplies, might be permitted, and might be most surely and most steadily carried on as heretofore in British shipping, navigated according to law, of which there is and has been a large number unemployed, since neutral vessels had been permitted to enter the ports of the British West Indies. They would shew, that if the ships of the American States were permitted to enter the States of the British West India settlements, under pretence of supplying provisions, they would at the same time introduce, as they did at present, all East India and European goods, to the great detriment of the East India Company, and to the manufactures and commerce of the United Kingdom; and also, that Ireland in particular would be deprived of the provision trade to the West Indies, to which she in common with the rest of the empire had a right, to return for the monopoly she afforded, at her own market, to the British West India produce; they would prove that the value of British shipping was greatly depreciated; that many were sold to the enemy and to neutrals, and that this nation was rapidly losing the carrying trade.—He should observe, that nothing is so ruinous to commercial speculation, especially when distant markets are in question, as uncertain and unsteady regulations; fixed laws and rules alone, will encourage true commercial speculation; and no man will engage in that commerce, which may, in a moment, be counteracted by uncontrolled discretionary orders. He should ever protest in the strongest manner against measures, which have prevailed and are daily extending, to subject the navigation and trade of the country to the discretion of governors, or of a fluctuating committee of council; he added that, if the papers he had moved for had been granted, it would have appeared that there had been memorials and representations from almost every part of the United Kingdom, against the very suspensions and practices which were to be facilitated and established by the bill; and that the strongest remonstrances might be expected from our distant ports, as well as from those of Ireland. However the noble patrons of the bill might think proper to treat the petitions of the people of England, they should recollect what was the situation of Ireland. There were few more hearty well wishers to the Union of that country with Great Britain than himself; but if after taking away the parliament of that country, where they might have sought redress, they were refused to be allowed time and opportunity to be heard, he should greatly regret that the measure ever took place; and no assertion of any man should convince him, that this was not a subject on which the people were to be heard. His noble friend (lord Auckland) thought differently at the time of the Irish propositions. The question was, not merely whether the responsibility should be transferred, but whether the suspensions of the navigation laws should be facilitated, and systematically established; whether our West India settlements should be rendered completely dependent on the American States; whether our carrying trade and commerce should be thrown into other hands, and the British colonies in North America absolutely ruined. His lordship then moved, in order to give time to the petitioners to come forward and to be heard, that the order for the second reading of the bill be discharged, and that Friday, the 16th instant be appointed for that purpose, and for hearing the petitioners.—The motion was negatived without a division. Lord Grenville then moved that the bill be read a second time.

The Duke of *Montrose* called the attention of the house to the alarm which had had been excited by the manner in which this subject had been stated by the noble lord who originally proposed it, and by the supposition that other measures might follow the present, which might have a serious effect upon the shipping interest of this country. The effect which the bill might have upon the shipping interest was, in this instance, no light consideration, as the trade to the West Indies employed from six to seven thousand seamen, and formed one of those nurseries for our seamen, which ought to be cherished and encouraged instead of being depressed or checked. In his view of the subject, the bill was neither politic or necessary. It was impolitic inasmuch as it went to authorise the suspension of our navigation laws, those laws to which we were originally indebted for our maritime superiority; it was unnecessary inasmuch as it only professed to do that which had been already done, and might be again in a manner less objectionable, by leaving it to the West India governors to act upon their own responsibility in cases of necessity. If, on the contrary, the governors were to be prospectively authorised to suspend the navigation laws, it should be recollected that it might frequently be to their interest to direct such suspension where no immediate necessity required it. He did not despair, though he did not mean to assert it, that with our present maritime superiority, the West India islands might, even in time of war, be supplied in British bottoms by means of convoys. In a time of peace there could be no doubt about it, and he denied that the calamities which a noble lord (Holland), on a former occasion, stated to have resulted to the West Indies from not suspending the navigation laws, had proceeded from that source, as they were the natural consequences of earthquakes and hurricanes. He was inimical to the present bill, not only on account of the positive evil resulting to the shipping interest of the country, from the suspension of the navigation laws, but on account of those measures still more injurious to that interest to which this bill might afterwards serve as a basis.

The Earl of *Lauderdale* thought the noble duke had been arguing against some speculative measure which he apprehended might at some future time, be brought forward, than against the present bill. He conceived the bill to be founded upon the soundest principles of legislation. What could more forcibly demonstrate its necessity, than the indemnity bill, which parliament had passed year after year, for the purpose of indemnifying the governors of our West India Islands for suspensions of the navigation act, which were found to be absolutely necessary for the support and well being of the colonies? And was it not more constitutional, and more becoming the dignity of Parliament, that what was so found to be necessary, should be authorised in certain cases, according to the discretion and under the responsibility of the executive government, than that violations of the law should continually take place, and the persons who infringed the law be as constantly indemnified? If, according to the argument of the noble duke, our West India colonies could be supplied by the mother country in time of war, how would such a mode of supply operate? There must necessarily be a heavy expense for insurance, besides other expenses, which the merchant exporting must pay out of his pocket, and which by rendering the commodity dearer, would ultimately raise the price of the produce of the colonies, to which such commodities were thus carried. On the contrary by importing directly from America to the West Indies those articles which were ncessary for the food of the inhabitants and the cultivation of the soil, none of these extra expenses ensued, they were obtained at a cheaper rate, and were paid for in the manufactures of this country, thus equally promoting the sale of our manufactures and the comfort and the cultivation of our West Indian possessions, and increasing the produce of those islands. He did not believe that any nursery for our seamen would be affected by the bill; but if any seamen were thrown out of employ, there was a sure resource for them in the royal navy, and at a peace this trade would be again open to them for employment.

Lord *Mulgrave* professed himself by no means convinced by what had fallen from the noble lord who spoke last. With respect to the colonial system, which formed so important a topic in the present discussion, he thought the great advantage of possessing colonies, was the enjoyment of an exclusive trade with them; and which privilege in the mother country was but just and right in return for giving them birth, and subsequently supporting them; a principle which in the former discussions of this subject, had not been sufficiently attended to. The argument that the provisions and articles required could be had cheaper from America, did not appear to him to be conclusive upon the point. He would admit the application of the noble earl's remark, that our seamen might be increased by the consequences of the measure; but no farther than in the first instance; prospectively, it would tend to diminish the number, by destroying, so far a nursery for seamen. He supported the arguments of noble lords on his side of the question, with respect to the great commercial magnitude of the subject, and particularly as it regarded the concerns of the shipping interest, who, he trusted, would be heard by their counsel. He expatiated upon the great importance of the shipping interest, as the principal support of our foreign trade, being its necessary carrying medium, without which the manufactures of the country could not find their way to other countries. In short, the shipping interest was the vital principle of our commerce.

The *Lord Chancellor* observed, that if he understood the bill rightly, which, however, he thought very plain, none of the arguments hitherto adduced had the least application to it. He thought he knew what he read, and if he did misread it, the language of the preamble of the bill, was sufficiently plain to warrant his assertion, and which, was accordingly quoted by his lordship; the bill, therefore, was no more than eventually to enable the said governors to exercise the same discretion legally, which before they were in the habit of doing under the pressure of circumstances; and for which, from year to year, they applied for a parliamentary indemnity; the present bill went to authorise the same discretion, when the necessity of the case appeared to them to require its exercise; that is, the bill went to permit his majesty, by the advice of his privy council, to permit prospectively, the exercise of such a discretionary power in the governors, when they should see the necessity of using it. He deprecated the conjuring up, as some noble lords seemed to do, gloomy prospects, and prophecying the greatest national calamities, on an occasion, which merely went, in a decent and constitutional mode, to enable his majesty, with the advice of his privy council, to vest, occasionally, discretionary power in certain of his governors.

The Duke of *Montrose* shortly explained; he referred to the wise policy of our ancestors, who had placed the suspension of the navigation laws beyond the power of any privy council; and again contended for the paramount importance of preserving inviolate the investigation laws of the country.

The Earl of *Caernarvon* contended warmly for the propriety and superior policy of the measure in question; which, in effect, was a continuation of a practice which noble lords had themselves countenanced from year to year, and not a single complaint had been heard against it.

The Duke of *Clarence* professed himself a warm friend to the navigation laws; but he was nevertheless friendly to the present bill, which he conceived to be necessary for the support of our West India colonies. The articles which were immediately necessary for the food of the inhabitants, for their habitations, and for the cultivation of the soil were, with the exception of beef and pork, the growth and produce of America. For this country, therefore, to attempt to supply exclusively the colonies, must be attended with an enormous expense; whilst at the same, during a period of war, and particularly when, as at present, the enemy had adopted the mode of sending out flying squadrons to different quarters, the ships necessary to protect such a trade would be more than we could spare from those essential services to which our navy ought to be directed. He did not attach that importance to the trade carried on in British Bottoms, for the supply of our West India colonies, which other noble lords seemed inclined to do, as he believed the vessels employed were small, being chiefly of the class of schooners; and with respect to the seamen on board those vessels, they were most of them Blacks, whom he did not wish to see employed in that description of service, He did not mean to extend his opinion with respect to the necessity of such a measure as the present to a period of peace, as he thought during peace this country might, without difficulty, supply the colonies; but during war he clearly agreed in its necessity.

Earl *Camden* objected to the bill, and thought that the shipping interest of the country ought to have been heard by their counsel against it, in order that the subject might be fully investigated.

Lord *Holland* said that he never wished to object to any class of his Majesty's subjects petitioning against any bill in that house, being heard by their counsel against it; but the petitioners, in the petition presented by the noble lord (Sheffield), had in a long and studied petition, objected generally to all suspensions of the navigation act, without stating any specific grievance. Much had been said by noble lords of the evils which were expected to result from this measure; but he would ask, had any evil arisen from this system, which had for a long time been carried into effect, by those very noble lords who now objected to it; on the contrary, our commerce and our shipping, so far from being injured, had increased. Experience therefore, proved the wisdom of the measure which had thus been acted upon, and, which it was still intended to act upon by means of the present bill. In fact the very means they adopted to supply the West India Islands tended to facilitate their cultivation, and increase their produce, and consequently to increase our commerce and our shipping. In carrying the produce of America to the West Indies, it was too much to expect that British bottoms would be employed; we could, it was true, enact restrictions, but so could the states of America; and he deprecated any war or regulations with that power. The Americans were English in their habits and their dipositions, and the increase of their prosperity was a benefit to us, as a still greater mart would be found for English manufactures. As to our shipping interest, if an increase of it was to be forced, let it be done by any means rather than by speculating in the subsistence of our colonies.

Lord *Hawkesbury* contended that our navigation was a paramount consideration, and that if the necessity should arise, partial sacrifices of our commerce ought to be made to ensure the continuance of that system of navigation from whence had arisen all our maritime superiority. The present bill, he maintained, was the first relaxation of the navigation laws enacted by a legislative act; it was a measure not called for by the necessity of the case, and might be productive of the greatest evils to the shipping interests of the country. He acknowledged there did at times, exist a necessity for allowing the importation into our colonies of articles essential to their use, in American bottoms; but he deprecated making a prospective regulation, and acknowledging the legality of such a trade. Objectionable as the mode certainly was, he still thought it better that the responsibility should rest with the Governors of our colonies, as it had hitherto done, of allowing such a trade, when they who were upon the spot should see the necessity of such a measure, than that such a discretion should be vested in the executive government at home, who could not know when such a necessity existed in the colonies. He agreed with his noble friend (lord Holland) in much of what he had said with respect to America, but he thought that concessions on our part should rather be the result of negociation, than talked of as if decided on in the first instance.

Lord *Auckland* thought it unnecessary to argue the question at any length, as noble lords on the other side had not brought forward any statement to shew that no necessity existed for resorting to other means beside the resources of this country for the supply of our colonies, to demonstrate the fallacy of the reasoning which went to shew, that, by such a measure, our shipping and our commerce would be injured and decreased, he would state the results of papers on their lordship's table, which proved the direct contrary. In 1793, the number of trading vessels in the British empire was 16,000, their tonnage was 1,500,000, and number of seamen employed in them 119,000. In 1804, the number of vessels was 21,000, their tonnage 2,800,000, and the number of seamen employed in them 153,000, and this during the continued operations of those suspensions of the navigation act in the West Indies, against which noble lords on the other side now so loudly protested. In the exportations of our manufactures also to the West Indies, instead of a diminution a great increase appeared. The greatest quantity exported thither, in any year of peace, was 1,800,000l., whilst upon an average of the last 5 years, the quantity was 3,300,000l. In every point of view, therefore this measure was far from being detrimental to our commerce and our shipping. He denied that there was any alarm upon the subject. The provision trade of Ireland in particular were satisfied, as beef and pork had been recently excepted from the articles to be imported into the West Indies from America.

Lord *Grenville* could not conceive the utility, upon a discussion like the present, of entering into the consideration of abstract questions, such as that propounded by the noble lord (Hawkesbury), in the form of a supposition, that at some future period the interest of our commerce and navigation might clash. He did not believe that all history or experience would furnish any instance of this nature, nor did he believe that the question was likely to arise. He had always considered that the increase of our commerce produced the increase of our navigation, and our ship-building interest. He could not, either, see the necessity of introducing any discussion as to what might be proper to be done during a period of peace; no man knew, nor could any human being foresee, at what period peace might arrive: to consider, therefore, what, or what might not be proper to be done at an indefinite period, was totally irrelevant to the present question. There was one error into which statesmen were apt to fall, that of supporting old institutions when the circumstances which gave birth to them had ceased, or had been materially changed. He thought the noble lord had contended for our navigation laws in all their strictness, without a due consideration of the change of circumstances which had taken place since those certainly wise and salutary laws were enacted. He would not, however, enter further at present into the consideration of this subject. The bill now before the house was founded on propositions so plain, that he was surprised at the debate which had taken place upon it. Noble lords on the other side had, in objecting to the bill, condemned their former conduct; he would, however, defend them against themselves; their conduct, with respect to the West Indies, had been dictated by a due regard to the interests of the colonies, and had received the approbation of Parliament. The present measure was founded on the same principles, with only the difference, that the power and responsibility were vested where they properly ought to be placed, in the executive government.

Lord *Eldon* was inimical to this measure from the principles of it, as they went to legalise an act, which, by the law, as it at present stood, was unlawful; and therefore he considered it dangerous to leave that in the power and discretion of persons entrusted with official situations in those islands, which, at any time, might be exercised in too great a degree. It would, he continued, be a very hazardous experiment to resort to, and should only be thought of when our navy was not sufficient to supply those islands, without having recourse to the assistance of other nations.

Lord *Sheffield* said, as their lordships had been detained there and in Westminster hall so many hours, and as he had in part expressed his opinion on a former part of the discussion, he should not detain them at so late an hour; but he must protest most strongly against the assertions which had been made, particularly in respect to the state of the shipping trade and ship-building, and the expediency and necessity of the measure, almost every one of which, he would pledge himself to have disproved at the bar by the most respectable evidence and documents, if their lordships had not refused to hear the petitions.—The bill was then read a 2nd time, and ordered to be committed on Thursday next.

Adjourned.

APPENDIX.

APPENDIX

TO THE

PARLIAMENTARY DEBATES.

VOL. VI.

PARLIAMENTARY PAPERS.

TREATIES, &C. PRESENTED, BY HIS MAJESTY'S COMMAND, TO BOTH HOUSES OF PARLIAMENT, 28TH JANUARY, 1806.

Treaty of Concert between His Majesty and the Emperor of all the Russias, signed at St. Petersburgh, the 11*th April,* 1805.

IN the name of the most holy and undivided Trinity.—His majesty the king of the united kingdom of G. Britain and Ireland, and his maj. the emperor of all the Russias, animated with the desire of restoring to Europe the peace, independence, and happiness, of which it is deprived, by the unbounded ambition of the French government, and the immoderate degree of influence which it is striving to arrogate to itself, have resolved to employ every means in their power to obtain this salutary end, and to prevent the renewal of similar disastrous circumstances; and they have named, in consequence, for the purpose of fixing and agreeing upon those measures which their magnanimous intentions may call for, viz. his maj. the king of the united kingdom of G. Britain and Ireland, the ld. Granville Leveson Gower, member of parliament of the said united kingdom, one of his majesty's privy councillors, and his ambassador extraordinary and plenipotentiary to his maj. the emperor of all the Russias; and his maj. the emperor of all the Russias, the Sieur Adam Prince of Czartoryski, one of his privy councillors, member of the council of state, senator, adjunct minister for foreign affairs, member of the general direction of schools, curator of the imperial university of Wilna and of its district, lieut. of the grand prior of the sovereign order of St. John of Jerusalem, of the Russian Catholic priory, and knight of the order of St. Anne, and commander of that of St. John of Jerusalem; and the Sieur Nicolas of Novossilzoff, his present chamberlain, adjunct minister of justice, charged with the examination of the projects presented to his maj. and with other special commissions, president of the academy of sciences, member of the general direction of the schools, curator of the university of St. Petersburgh and of its district, and knight of the order of St. Vladimir; who, after having verified and exchanged their full powers, which were found to be in good and due form, have agreed upon the following articles:—ART. 1. As the state of suffering in which Europe is placed, demands speedy remedy, their majesties, the king of the united kingdom of G. Britain and Ireland, and the emperor of all the Russias, have mutually agreed to consult upon the means of putting a stop thereto, without waiting for farther encroachments on the part of the French govt. They have agreed, in consequence, to employ the most speedy and most efficacious means to form a general league of the states of Europe, and to engage them to accede to the present concert; and, in order to accomplish the end proposed, to collect together a force, which, independently of the succours furnished by his Brit. maj. may amount to 50,000 effective men; and to employ the same with energy, in order either to induce or to compel the French govt. to agree to the re-establishment of peace, and of the equilibrium of Europe.—ART. 2. The object of this league will be to carry into effect what is proposed by the present concert, namely: (*a.*) The evacuation of the country of Hanover, and of the north of Germany. (*b.*) The establishment of the independence of the republics of Holland and Swisserland. (*c.*) The re-establishment of the king of Sardinia in Piedmont, with as large augmentation of territory as circumstances will permit. (*d.*) The future security of the kingdom of Naples, and the complete evacuation of Italy, the Island of Elba included, by the French forces. (*e.*) The establishment of an order of things in Europe, which may effectually guarantee the security and independence of the different states, and present a solid barrier against future usurpations.—ART. 3. His Brit. maj. in order to concur efficaciously on his side, to the happy effects of the present concert, engages to contribute to the common efforts, by employing his forces both by sea and land, as well as his vessels adapted for transporting troops, in such manner as shall be determined upon in the general plan of operations; his maj. will moreover, assist the different powers who shall accede thereto, by subsidies, the amount of which shall correspond to the respective forces which shall be employed; and, in order that the said pecuniary succours may be proportioned in the manner most conducive to the general good, and to assist the powers, in proportion to the exertions they may make to contribute to the common success, it is agreed, that these subsidies (barring particular arrangements), shall be furnished in the proportion of 1,250,000 pounds sterling, for each 100,000 men of regular troops, and so in proportion for a greater or smaller number, payable according to the conditions hereinafter specified.—ART. 4. The said subsidies shall be payable by instalments, from month to month, in proportion to the forces which each power shall employ in pursuance of its engagements, to combat the common enemy, and according to the official report of the armies employed at the opening of the campaign, and of the several reinforcements which may join them. An arrangement shall be made in conformity with the plan of operations, which shall be forthwith regulated as to the period when these subsidies shall begin to be paid, and the mode and place of payment shall be settled so as to suit the convenience of each of the belligerent parties. His Brit. maj. will likewise be prepared to advance within the current year, a sum for putting the troops in motion. This sum shall be settled by particular arrangements to be entered into by each power, who shall take part in this concert; but his said maj. understands that the whole of the sums to be furnished to any power within the current year, as well as on account of the said advance, as for the monthly subsidies, is in no case to exceed the proportion of 1,250,000 pounds sterling, for every 100,000 men.—ART. 5. The high contracting parties agree that the different members of the league shall respectively be permitted to retain accredited persons with the commanders-in-chief of the different armies, to carry on the correspondence, and to attend to the military operations.—ART. 6. Their majesties agree, that in the event of a league being formed, such as is pointed out in the first article, they will not make peace with France, but by the common consent of all the powers who shall become parties in the said league; and also that the continental powers shall not recall their forces before the peace; moreover, his Brit. maj. engages to continue the payment of the subsidies during the continuance of the war.—ART. 7. The present concert, which is mutually acknowledged by the high contracting parties to be equally valid and binding as the most solemn treaty, shall be ratified by his maj. the king of the united kingdom of G. Britain and Ireland, and by his maj. the emperor of all the Russias, and the ratifications thereof shall be exchanged at St. Petersburgh within the space of ten weeks, or sooner if possible.—In testimony whereof the respective plenipotentiaries have signed the same, and have thereunto affixed the seal of their arms.—Done at St. Petersburgh, April 11, (30th March,) 1805. Signed G. L. GOWER, ADAM PRINCE CZARTORYSKI, NICOLAS DE NOVOSSILZOFF.

No. I. (A).—*First separate Article of the Treaty of Concert between His Majesty and the Emperor of Russia, signed at St. Petersburgh, 11th April (30th March)* 1805.

His maj. the emperor of all the Russias, having made known to his Brit maj. his arrangements with their majesties the emperor of Germany and the king of Sweden, his Brit. maj. engages to fulfil his stipulations of the present treaty of concert towards each of those powers, if, in the space of four months, reckoning from the day of the signature of the present instrument, both those powers, or one of them, shall have caused their forces to act against France, by virtue of the engagements they have taken with his maj. the emperor of all the Russias.—This separate article shall have the same force and validity as if it were inserted word for word in the treaty of concert signed this day, and shall be ratified at the same time.—In witness whereof, we the undersigned, by virtue of our full powers, have signed the present separate article, and have affixed thereto the seals of our arms. Done at St. Petersburgh, this 11th April (30th March) 1805.—Signed, G. L. GOWER, ADAM PRINCE CZARTORYSKI, NICOLAS DE NOVOSSILZOFF.

No. 1. (B)—*Fourth separate Article of the Treaty of Concert between His Majesty and the Emperor of Russia, signed at St. Petersburgh, 11th April* (*20th March*) 1805.

The collecting of 500,000 effective men, mentioned in art. 1. of the treaty of concert signed this day, not being so easy as it is desirable, their majesties have agreed that it should be carried into execution as soon as it should be possible to oppose to France an active force of 400,000 men, composed in the following manner; Austria will supply 250,000 men, Russia not less than 115,000 men, independently of the levies made by her in Albany, in Greece, &c.; and the remainder of the 400,000 will be made up by the troops of Naples, Hanover, Sardinia, and others.—This separate art. shall have the same force and validity, as if it were inserted, word for word, in the treaty of concert signed this day, and shall be ratified at the same time.—In witness whereof, we the undersigned, by virtue of our full powers, have signed the present separate art. and have affixed thereto the seals of our arms.—Done at St. Petersburgh, this 11th of April (30th March) 1805.—Signed G. L. GOWER. ADAM PRINCE CZARTORYSKI. NICOLAS DE NOVOSSILZOFF.

No. 1. (C)—*Fifth separate Article of the Treaty of Concert between His Majesty and the Emperor of Russia, signed at St. Petersburgh, 11th April* (*March* 30) 1805.

His maj. the emperor of all the Russias, engages also to march as soon as possible, an army of not less than 60,000 men to the frontiers of Austria, and also another of not less than 80,000 men to the Prussian frontiers, to be ready to co-operate with the said courts, in the proportion established by the treaty of concert signed this day, and to support them respectively in case they should be attacked by France, who might suppose them to be engaged in some negociation tending towards an object contrary to her views; but it is understood, that, independently of the 115,000 men, which his imperial maj. of all the Russias will cause to act against the French, he will keep bodies of reserve and observation upon his frontiers.—It is moreover agreed, that as the forces promised by his maj. the emperor of all the Russias shall all, or in part, quit the frontiers of his empire, his Brit. maj. will pay them the subsidies, at the rate established by the present treaty of concert, until the return of the said forces to their homes; and moreover, the equivalent of three months of subsidy as a *première mise en campagne*.—The Russian troops already stationed at the Seven Islands, or which may be intended to be transported thither, will not enjoy the advantage of the subsidies, and of the *première mise en campagne*, stipulated in the present art. before the day of their leaving the Seven Islands, to commence their operations against the French.—This separate art. shall have the same force and validity as if it were inserted, word for word, in the treaty of concert signed this day, and shall be ratified at the same time.—In witness whereof, we the undersigned, by virtue of our full powers, have signed the present separate art., and have affixed thereto the seals of our arms.—Done at St. Petersburgh, the 11th of April (30th March) 1805. Signed, G. L. GOWER. ADAM PRINCE CZARTORYSKI. NICOLAS DE NOVOSSILZOFF.

No. 1. (D)—*Sixth separate Article of the Treaty of Concert between His Majesty and the Emperor of Russia, signed at St. Petersburgh, 11th April* (*30th March*) 1805.

His maj. the king of the united kingdom of G. Britain and Ireland, and his maj. the emperor of all the Russias, being disposed to form an energetic concert, with the sole view of insuring to Europe a lasting and solid peace, founded upon the principles of justice, equity, and the law of nations, by which they are constantly guided, are aware of the necessity of a mutual understanding, at this time, upon several principles, which they will evince, in pursuance of a previous concert as soon as the events of the war may render it necessary.—These principles are, in no degree, to controul the public opinion in France, or in any other countries, where the combined armies may carry on their operations, with respect to the form of government which it may be proper to adopt; nor to appropriate to themselves, till a peace should be concluded, any of the conquests made by one or the other of the belligerent parties; and to take possession of the towns and territories, which may be wrested from the common enemy, in the name of the country or states, to which, by acknowledged right, they belong, and in all other cases, in the name of all the members of the league; and, finally, to assemble, at the termination of the war, a general congress, to discuss and fix the provisions of the law of nations, on a more determined basis, than unfortunately has hitherto been practicable; and to insure their observance, by the establishment of a federative system, calculated upon the situation of the different states of Europe.—This separate art. shall have the same force and validity, as if it were inserted, word for word, in the treaty of concert signed this day, and shall be ratified at the same time.—In witness whereof, we the undersigned, by virtue of our full powers, have signed the present separate art., and have affixed thereto the seals of our arms.—Done at St. Petersburgh, the 11th April (30th March) 1805. —Signed, G. L. GOWER. ADAM PRINCE CZARTORYSKI. NICOLAS DE NOVOSSILZOFF.

No. 1. (E)—*Eighth separate Article.*

It being possible that the bias which the French govt. tries to give to the councils of the different states of Europe, may determine one or other of those states to throw obstacles in the way of the attainment of the salutary effects which are the objects of the present concert, and even to have recourse to hostile measures against one of the high contracting parties, in spite of their endeavours to establish an equitable and permanent order of things in Europe, his Brit. maj. and his maj. the emperor of all the Russias, agree to make common cause against every power, which, by the employment of its forces, or by too intimate an union with France, may pretend to raise essential obstacles to the developement of those measures which the high contracting parties may have to take, in order to attain the object proposed by the present concert. This separate art. shall have the same force and validity, as if it were inserted, word for word, in the treaty of concert signed this day, and shall be ratified at the same time.—In witness whereof, we the undersigned, by virtue of our full powers, have signed the present separate article, and have affixed thereto the seals of our arms. Done at St. Petersburgh, the 11th April (30th March) 1805.—Signed, G. L. GOWER. ADAM PRINCE CZARTORYSKI. NICOLAS DE NOVOSSILZOFF.

No. 1. (F)—*Eleventh separate Article.*

The high contracting parties, acknowledging the necessity of supporting the propositions of peace, which it is their intention to make to Buonaparte by energetic demonstrations, have resolved to invite his imperial and royal apostolic maj. to put his armies in a state of readiness for action, without delay, by completing their numbers, and by concentrating them in the neighbourhood of the borders of France. His Brit. maj. considering the extraordinary expences which this measure will render necessary, promises and engages to furnish to his imperial and royal maj. immediately after his accession to the present concert, the sum of one million of pounds sterling, for *première mise en campagne*, which the king of the united kingdom of G. Britain and Ireland will not reclaim, in case the negociations for peace should be crowned with success, provided that, in a contrary event, Austria would take the field immediately.—This separate art. shall have the same force and validity as if it were inserted, word for word, in the treaty of concert signed this day, and shall be ratified at the same time.—In witness whereof, we the undersigned, by virtue of our full powers, have signed the present separate art., and have affixed thereto the seals of our arms.—Done at St. Petersburgh, the 11th of April (30th March) 1805.—Signed, G. L. GOWER. ADAM PRINCE CZARTORYSKI. NICOLAS DE NOVOSSILZOFF.

No. 1. (G)—*Separate and Secret Article.*

Although the high contracting parties have agreed by the first separate article of the treaty of concert, established this day between them, that Austria and Sweden shall not partake of the advantages of the said concert, but in the event of their bringing their forces into action against France, 4 months after its signature, by virtue of their engagements with his maj. the emperor of all the Russias; yet his Brit. maj. considering the advantage to the future security of Europe, which results from an union similar to that formed by his maj. the emperor of all the Russias, with their majesties the emperor of Germany, and the king of Sweden, for the purpose of opposing the further encroachments of Buonaparte, promises to fulfil the stipulations of the present concert, in the same degree towards either of those powers, if, in the course of the year 1805, both or one of them should bring their forces into action against France, in virtue of their engagements with his maj. the emperor of all the Russias.—This separate and secret art. shall have the same force and validity, as if it were inserted, word for word, in the treaty of the concert signed this day, and shall be ratified at the same time.—In witness whereof, we the undersigned, in virtue of our full powers, have signed the present separate and secret art., and have affixed thereto the seals of our arms.—Done at St. Petersburgh, the 11th April (30th March) 1805.—Signed, G. L. Gower. Adam Prince Czartoryski. Nicolas de Novossilzoff.

No. 1. (H)—*Additional Article.*

His maj. the emperor of all the Russias, having, in pursuance of his sincere desire to insure success to the enterprise, concerted against France, determined, in case the circumstances should require it, to augment the forces which he has promised to bring into action, to an hundred and eighty thousand men, his maj. the king of the united kingdom of G. Britain and Ireland, promises, and engages to pay, in that case, to his imperial maj. of all the Russias, for the troops which he may thus add to the 115,000 already agreed upon, a subsidy and a *première mise en campagne*, at the same rate as is agreed by the fifth separate article of the treaty of concert, established between his maj. the king of the united kingdom of G. Britain and Ireland, and his maj. the emperor of all the Russias, the 30th March (11th April) 1805.—This additional article shall have the same force and validity as if it were inserted, word for word, in the aforementioned concert, and shall be ratified by the two high contracting powers; and the ratifications shall be exchanged in the space of ten weeks, or sooner, if possible.—In witness whereof, the undersigned plenipotentiaries have signed the same, and have affixed to it the seals of their arms.—Done at St. Petersburgh, the 10th May (28th April) 1805.—Signed, G. L. Gower. Adam Prince Czartoryski. Nicolas de Novossilzoff.

No. 1. (I)—*Additional Article of the Treaty of Concert, signed at St. Petersburgh, the 11th April,* 1805.

His maj. the emperor of all the Russias, purposing to concert measures with the court of Vienna, by which considerable Russian armies may be approximated to the frontiers of France, by crossing the Austrian and Prussian territories, while it is declared that the object of these movements is to obtain securities for the continent, promises and engages to his Brit. maj. in his own name, and in that of his allies, that, should even circumstances require, that at the moment when the Russian troops began their march, they should declare that this movement was in no way connected with an existing concert with his Brit. maj. but that the powers of the continent reclaim the fulfilment by France of her immediate engagements with them, yet as soon as the war shall have broken out, they will no longer pursue a particular object, but that which has been determined by the concert of the 30th March (11th April), with all the clauses incorporated with it.—In return for this assurance, his Brit. maj. promises and engages, in the first place, to fulfil towards the emperor of all the Russias the stipulations of the above-mentioned concert, in all their parts, as soon as the war shall have broken out between Russia and France, and especially to furnish for the Russian troops the subsidies agreed upon, payable from the day on which they shall have quitted the frontiers of the empire, and moreover, the three months stipulated subsidy, under the name of *premièrè mise en campagne;* with this condition, nevertheless, that however long may be the term between the epoch of the departure of the Russian troops from their frontiers, and that of the commencement of hostilities, his Brit. maj. shall not be bound to pay Russia for that interval more than six months subsidy at the most, the *première mise en campagne* being therein comprised.—In the second place, to fulfil, with regard to Austria, all the stipulations of the above-mentioned concert, and especially all that relates to the subsidies, as soon as the ambassador of his imperial and royal majesty shall have signed the act of accession of his court; and, lastly, in the third place, to pay in the like manner to the other allies of Russia, who shall assist in this enterprise (except in the case of special arrangements), the subsidies which have been allotted for them by the above-mentioned concert, and on the conditions therein specified.—This additional art. shall have the same force and validity, as if it were inserted, word for word, in the above-mentioned concert, and shall be ratified by the two high contracting parties, and the ratifications exchanged at St. Petersburgh, in the space of six weeks, or sooner, if possible.—In faith of which, the undersigned plenipotentiaries have signed it, and have affixed thereto the seal of their arms. —Done at St. Petersburgh, the 12th July (24th) 1805.—(Signed) G. L. Gower. Adam Prince Czartoryski.

No. II. (A)—*Preliminary Declaration of Count Stadion, to Lord Granville Leveson Gower, dated at St. Petersburgh, 28th July (9th Aug.) 1805.*

The undersigned ambassador extra. and plenipotentiary of his imperial and royal apostolic maj. by order of his august sovereign, after having invited his exc. the ambassador of G. Britain, to join with him in the preliminary declarations which he has exchanged this day, with his exc. the prince of Czartoryski, has, moreover, declared as follows:—His imperial and royal apostolic maj. in acceding to the treaty concluded on the 30th March (11th April) 1805, and subsequently ratified by the courts of London and St. Petersburgh, under the reservations, modifications, and demands, as announced in the above-mentioned preliminary declarations, limits the pecuniary succours, which he expects from his maj. the king of G. Britain, for the current year, 1805, to three millions sterling; of which sum one million and a half is to be considered as *première mise en campagne*; and as such, is to be furnished with as little delay as possible; and the other million and a half as subsidies, to be paid in equal monthly payments, until the last day of the year. These subsidies, as well as one million of the sum appointed for *première mise en campagne*, are to be furnished to his imperial maj. and shall remain in his possession, even though the vigorous demonstrations, in which his forces are actually employed, should not terminate in hostilities, but should lead, by the way of negociation, to the establishment of peace. Moreover, as these armed demonstrations afford the greatest and most efficacious aid, for the promotion of the object of the concert, to which his imperial and royal apostolic maj. has acceded, he expects, that, as long as they shall continue, the subsidy shall likewise continue to be paid, in the same manner, as if his armies were employed in actual war, and that for the year 1806, and the subsequent years, in consideration of the great number of troops which he is opposing to the common enemy, the subsidy shall be increased to the sum of four millions sterling, payable in the same manner as is stated above, until the return of the regiments into the hereditary dominions.—His exc. the ambassador of G. Britain having declared that the instructions and precise orders of his court precluded him from acceding without restriction, to the above-mentioned demands, and having engaged, by a preliminary act, exchanged against the present, in the name of his Brit. maj. to stipulations which differ from them considerably, as well with regard to the sum, as to the terms of the propositions made in the name of his imperial and royal apostolic maj.—The undersigned accepts this act, given in by the ambassador of England, but he declares at the same time, that he does not consider the sum stipulated therein as sufficient, and that he expressly reserves for his court the power of reclaiming to this effect, and of effectuating the fulfilment of its demands.—In transmitting this preliminary declaration, which is to be in the place, and have the validity of the most solemn treaty, to his exc. the ambassador of his maj. the king of G. Britain, he is authorised to declare to him, at the same time, that he is ready to proceed immediately, on these same bases, to the conclusion of the formal act of accession of Austria, to the concert of 30th of March (11th of April).—These presents shall be ratified by the respective courts in as short a time as is possible.—In faith of which, the undersigned, by virtue of the full powers of his imperial and royal apostolic maj. has signed the present preliminary declaration, and has affixed thereto the seal of his arms. Done at St. Petersburgh, the 28th of July (9th of Aug.) 1805. (L.S.) J. Phillippe, Comte de Stadion.

No. II. (B.)—*Declaration of Count Stadion to Prince Czartoryski, dated Petersburgh, 28th July (9th August), 1805.*

The undersigned ambassador extr. and plenip. of his imperial and royal apostolic maj., being especially authorised by the emperor, his august master, declares, in answer to the declaration which has been delivered to him by his exc. the prince Czartoryski, of this day's date as follows: 1. His imperial and royal maj. in accepting the different articles announced in this declaration, accedes to the concert concluded between the courts of St. Petersburgh and London, the 30th March (11th April) of this year, as well as to the last plan, which the Russian ministry has caused to be presented at Vienna. His maj. promises to fulfil the engagements thereof, with the exception of the modifications, clauses, and demands, included in the different official pieces to which his imperial maj. of Russia has given his consent in the preliminary declaration, which will be taken as the basis of the concert of measures which Austria and Russia are to employ for the attainment of their object.—2. His imperial and royal maj. engages to execute, without delay, the military arrangement agreed upon at Vienna, the 16th of July, as well for the armed demonstration which is [illegible]ilitate the negociation, as for the operations against the enemy, which may ensue; in the confidence and certain ex[illegible] the present preliminary [illegible] shall be unexceptionably and [illegible]lly fulfilled, and that the definitive agreement shall be concluded without delay, and on the same basis between the three powers.—3. His imperial and royal maj. engages, as soon as the whole or a part of the Russian troops shall have passed their frontiers, not to treat for peace but on the basis which his maj. has himself acknowledged to be indispensable for the safety of Europe; and if hostilities shall take place, to make neither a peace nor a truce, but with the consent of the allies, according to the stipulations of the concert of the 30th March (11th of April) of this year.—The undersigned, in delivering the present preliminary declaration, which is to be in the place, and to have the validity of the most solemn act, to his exc. the prince Czartoryski, is authorised to announce to him, at the same time, that he is ready to proceed, immediately, to the conclusion of the formal act of accession of the court of Vienna to the concert of the 30th March (11th April).—The present declaration, and that delivered to the undersigned by his exc. the prince Czartoryski, shall be ratified by the respective sovereigns, in the least possible time, and the ratifications shall be exchanged at St. Petersburgh.—In faith of which, the undersigned, ambassador extr. and plenip. of his imperial and royal apostolic maj. has signed the present declaration, has caused to be affixed thereto the seal of his arms, and has exchanged it against the declaration, signed this day, by his exc. prince Czartoryski, joint minister for foreign affairs of his maj. the emperor of all the Russias. Done at St. Petersburgh, the 9th Aug. (28th July) 1805. Signed, J. PHILIPPE, count de Stadion.

No. II. (C)—*Copy of the Declaration delivered by Prince Czartoryski to the Ambassador Count de Stadion, on the 28th July (9th Aug.)* 1805.

The undersigned minister for foreign affairs, being authorised to that effect by his maj. the emperor of all the Russias, declares to his exc. the ambassador count de Stadion, as follows: 1. The several observations and proposals announced by the court of Vienna, in the preliminary declaration delivered by the vice-chancellor of the court and state, count de Cobentzel, to the ambassador count de Razoumofsky, on the 7th of July, are assumed by his maj. the emperor of all the Russias, to serve as a basis for the concert of measures between the court of Russia, and those of Vienna and of London. In like manner, the modifications proposed therein by his imperial and royal maj. for the regulation of the affairs of the continent, are also adopted, in case of there being reason to hope that war may be avoided by means of negociation.—2. His majesty the emperor of all the Russias confirms the military arrangements detailed in the protocol of conferences held between the general baron de Wintzingerode on one side, and the prince de Schwarzenberg and general Mack on the other, and which was signed the 16th of July. And his imperial maj. engages strictly to fulfil the whole of the measures therein arranged.—3. His majesty the emperor of all the Russias engages, moreover, to endeavour to prevail on his Brit. maj. to consent to the modifications and demands contained in the paper intitled, "Remarks on some particular objects of the convention signed between the courts of Petersburgh and London, the 30th March (11th April) of this year."—4. His maj. the emperor of all the Russias promises to use his best endeavours to engage his Brit. maj. to grant the total amount of the subsidiary demands made by the court of Vienna; with this condition, nevertheless, that in case his imperial maj. notwithstanding all his exertions, should fail in the attempt, this circumstance shall occasion no essential change in the measures concerted between Russia and Austria.—5. His maj. the emperor of all the Russias engages, as soon as the whole or a part of the Russian troops shall have passed their frontiers, not to treat for peace but upon those bases which his imperial maj. has himself acknowledged to be indispensible for the safety of Europe; and when the war shall have broken out, to make neither a peace nor truce without the consent of the allies, according to the stipulations of the concert of the 30th March (11th April) of this year.—The undersigned, in delivering this preliminary declaration, which is to be in the place and have the validity of the most solemn act, to the ambassador of Austria, is authorised to announce to him, at the same time, that he is ready to proceed immediately on these bases to the conclusion of the formal act of accession of the court of Vienna to the concert of the 30th March (11th April).—The present declaration, and that delivered in return by the ambassador, count de Stadion, shall be ratified by the respective sovereigns, in the shortest possible term, and the ratifications exchanged at St. Petersburgh.—In faith of which, the undersigned joint minister for foreign affairs has signed the present declaration, has caused the seal of his arms to be affixed thereto, and has exchanged it against the declaration signed this day by his exc. the count de Stadion. Done at St. Petersburgh the 28th July (9th Aug.) 1805. (Signed) LE PRINCE ADAM DE CZARTORYSKI.

No. II. (D)——*Declaration of Prince Czartoryski to Lord G. L. Gower, dated St. Petersburgh, 28th July (9th Aug.)* 1805.

The undersigned, joint minister for foreign affairs, being authorised to that effect by his majesty the emperor of all the Russias, declares to his exc. the ambassador, Lord G. L. Gower, as follows:—1. The undersigned has this day exchanged with his exc. the ambassador of Austria, the declarations, of which copies are hereto annexed.—2. His maj. the emperor of all the Russias, expects that the ambassador of England will agree, in the name of his court, without reserve, to their contents; and that if he do not consider himself sufficiently authorised thereto, he will express, in a formal declaration, the several points to which he can immediately assent.—3. The undersigned is authorised to exchange this declaration against that which shall be delivered to him by his exc. lord G. L. Gower. —The present declaration, and that delivered in return by the ambassador of England, which are to be in the place and to have the validity of the most solemn act, shall be ratified by their respective sovereigns, and the ratifications exchanged at St. Petersburgh in the shortest possible term.—In faith of which, the undersigned, joint minister for foreign affairs, has signed the present declaration, has caused to be affixed to it the seal of his arms, and has exchanged it against the declaration signed this day by his exc. the ambassador of England. Done at St. Petersburgh, the 28th of July, 1805. ADAM PRINCE CZARTORYSKI.

No. II. (E)—*Declaration signed by his Majesty's Ambassador at St. Petersburgh, and delivered to Prince Czartoryski and to Count de Stadion, 9th Aug.* 1805.

The undersigned ambassador extr. and plenip. of his Brit. maj. having been invited by his exc. the prince Czartoryski, joint minister for foreign affairs, and the count de Stadion, ambassador extr. and plenip. of his imperial, royal, and apostolic maj. to accede to the declarations reciprocally exchanged between the two imperial courts on this day, the 9th of August, in virtue of his full powers, declares as follows:—The several observations and proposals expressed by the court of Vienna, in the preliminary declaration delivered by the vice-chancellor of the court and state, the count de Cobentzel, to the ambassador count Razoumoufsky, on the 7th of July, and in the *mémoire raisonné* of the 21st of July, are assumed by his majesty the king of the united kingdom of Great Britain and Ireland, &c. &c. to serve as a basis for the concert of measures between the three courts of London, Vienna, and Petersburgh, and the modifications proposed therein, for the regulation of the affairs of the continent, are in like manner adopted, in case there should be reason to hope that war may be avoided by the means of negociation.—The British ambassador, while he declares that his positive instructions preclude him from acceding to the pecuniary demands of the court of Vienna, engages, in the name of his sovereign, that the monthly subsidies agreed to by the concert of the 30th of March (11th April), shall be payable from the 1st of Oct. 1805: he engages likewise to advance, with the least possible delay, the equivalent of five months subsidies, under the head of *première mise en campagne*, with the express condition, that his Brit. maj. may reclaim whatever payments shall have been made in favour of his imperial and royal maj. beyond the million stipulated by the 11th additional article of the above-mentioned treaty, whether as *première mise en campagne*, or as current subsidy, in case that the negociations, which are about to be set on foot by the French government, do not terminate in war.——He declares, moreover, that if the said negociations shall not be brought to a conclusion before the 31st day of December, 1805, the expiration of the first three months shall be the term of the payments, which are to be continued monthly, until the commencement of hostilities.—His imperial and royal maj. having engaged to embody an armed force of not less than 320,000 men, the undersigned consents, that the advances to be made, under the head of *première mise en campagne*, shall be paid according to this calculation, with this condition nevertheless, that if, contrary to all expectation, the Austrian armies do not amount to the force above specified, his Brit. maj. may deduct from this payment a sum proportionate to the numbers that are wanting. ——The British ambassador cannot consent to the modifications and demands contained in the paper, intituled, " Remarks on some particular objects of the Convention, signed between the courts of Petersburgh and of London, the 30th of March, (1st of April)" of this year; as he has hitherto received no instructions from his court, which authorise him to accede to such demands.—The British ambassador accepts the accession of his maj. the emperor and king, under the conditions specified in the preliminary declarations exchanged this day between the plenipotentiaries of their imperial and royal majesties, with this formal reservation, that this acceptation shall not be considered as valid, nor the above-mentioned engagements obligatory, unless the court of Vienna shall, on their side, conform themselves to the whole of the stipulations of the said act. —The undersigned, in delivering to his exc. prince Czartoryski (count de Stadion) the present preliminary declaration which is to be in the place, and have the validity of the most solemn treaty, is authorised to announce to him at the same time, that he is ready to proceed immediately on these bases, to the conclusion of the formal act of accession of the court of Vienna to the concert of the 30th March (11th April).—These presents shall be ratified by the respective courts, in the shortest possible term.——In witness whereof, the undersigned, by virtue of the full powers of his Brit. maj., has signed the present preliminary declaration, and has affixed thereto the seal of his arms. Done at St. Petersburgh, the 28th July (9th Aug.), 1805. (L. S.) G. L. GOWER.

No. III.—*Preliminary and Secret Convention between his Maj. and the King of Sweden, signed at Stockholm, 3d Dec.* 1804.

His maj. the king of the united kingdom of Gt. Brit. and Ireland, and his maj. the king of Sweden, being animated with a mutual desire to strengthen and draw closer the ties of friendship and harmony, which so happily exist between the two courts, having thought proper, with this view, to regulate, by a preliminary and secret convention, certain points of their mutual interests, relative to the present situation of affairs; their said majesties have named for that purpose, his maj. the king of the united kingdom of G. Brit. and Ireland, the sieur Henry Pierrepont his envoy extr. and minister plenip., and his maj. the king of Sweden, the sieur Frederick, d'Ehrenheim, president of his chancery, and commander of his order of the polar star, who, after having reciprocally communicated their full powers, have agreed upon the following articles:—Art. I. His Brit. maj. in order to enable his Swedish maj. more effectually to provide for the defence of Stralsund, against any attack whatever on the part of the French, engages to pay, once for all, the sum of 60,000*l.* sterling, which is to be appropriated solely to that purpose; this sum shall be remitted in three payments, at the interval of a month between each, the first of which is to become due upon the ratifications of this convention being exchanged. — Art. II. His maj. the king of Sweden engages, so long as the war between Sweden and France continues, or during the space of 18 months for the least, to permit the establishment of a depôt in Swedish Pomerania, either at Stralsund, or in the island of Rugen, or in both those places, for the corps of Hanoverians, which his Brit. maj. shall be desirous of raising there.—Art. III. The officers appointed to raise the said levies, shall be allowed to clothe, arm, and victual them, to form them into battalions, and to remove them out of Swedish Pomerania into such places, and in such proportions, as his Brit. maj. shall judge proper.—Art. IV. The stipulations of the two preceding articles being founded on the principle that Sweden is actually a declared belligerent party, it is understood that the said articles II. and III. are to be suspended in their operations until his Swedish maj. shall find himself, by the return of the open season, in a situation to send additional reinforcements, into Pomerania, insomuch that no measure relative to these dispositions can be adopted before that time.—Art.V. His maj. the king of Sweden engages, moreover, to grant to the subjects of his Brit. maj. during the continuance of the war between G. Brit. and France, the right of an *entrepôt* at Stralsund, for all the articles of the growth, producé, and merchandize, as well of G. Brit. as of her colonies, shipped in British or Swedish vessels. All such articles intended for re-exportation, whether by sea or land, shall only pay a duty of three quarters per cent. *ad valorem*; and those for consumption, such duties only as are actually established at the port of Stralsund with respect to the most favoured nations. A more detailed arrangement of this branch of commerce, as likewise of other points whereby the commercial interests of the two nations might be more closely connected, is to be reserved for a particular act.—Art. VI. His maj. the king of the united kingdom of G. Brit. and Ireland, and his maj. the king of Sweden, mutually engage to ratify the present act, and the ratifications thereof shall be exchanged in the space of six weeks, or sooner if possible, to be computed from the day of its signature. In witness whereof, we the undersigned, furnished with the full powers of our respective sovereigns, have signed the present convention, and have thereunto affixed the seals of our arms. Done at Stockholm, the 3d of Dec. 1804. (Was signed) HENRY PIERREPONT. F. D'EHRENHEIM.

No. IV.—*Convention between his Maj. and the King of Sweden, signed at Helsingborg the* 31*st Aug.* 1805.

His maj. the king of the united kingdom of G. Brit. and Ireland, and his maj. the king of Sweden, animated with equal desire to contribute, by all the means which Providence has placed at their disposal, to put an end to the misfortunes which disturb the peace of Europe, and particularly convinced of the urgency of securing the fortified places in the north of Germany against all hostile enterprise, have agreed to enter into stipulations for that purpose, by a separate convention, in addition to the preliminary and secret one concluded between them on the 3d of Dec. last; for which purpose, their said majesties have chosen and named for their plenipotentiaries, viz. his maj. the king of the united kingdom of G. Brit. and Ireland, the hon. Henry Pierrepont, his envoy extra. and minister plenipo. with his Swedish maj., and his maj. the king of Sweden, the sieur John Christopher baron de Toll, a lord of the kingdom of Sweden, gov.-gen. of the duchy of Scania, gen. of cavalry in his armies, chief of the reg. of carbineers of Scania, knight and commander of his orders, and knight of all the Russian orders; who have agreed upon the following articles:—Art. I. The preliminary and secret convention concluded between the two sovereigns on 3d Dec. 1804 is renewed, and shall continue in full force and validity during the period hereinafter specified in art. VII.—Art. II. his maj. the king of G. Brit. conceiving that the object stated in the preamble cannot be more completely attained, with respect to Swedish Pomerania, than by maintaining the fortress of Stralsund in a respectable state of defence, in order to preserve a rallying point and place of retreat for the forces of the allied powers, and especially for the troops of the emperor of all the Russias, in case his imper. maj. should be desirous of landing his forces at that place, in order to co-operate in the general plan, engages to pay monthly the sum of 1800*l.* sterling for every 1000 men of regular troops, with which his Swedish maj. shall reinforce the usual garrison of the city of Stralsund.—Art. III. A garrison of 8000 men in the whole being deemed sufficient for the defence of this place, and the usual garrison, including the burgher militia, amounting to upwards of 4000, it is understood, that the reinforcement spoken of in the preceding article, shall not exceed 4000 men of regular troops, so that the subsidies to be furnished by his maj. the king of G. Brit. will amount to the sum of 7200*l.* sterling per month.—Art. IV. The payment of the above-mentioned subsidies shall be made before the end of every month, and shall be computed from the first day of July last, for the Swedish troops, amounting to 1500 men, actually in Stralsund, and for the reinforcements which may arrive there from the day of landing. Art. V. The two high contracting parties not having been able to agree upon the expenses of transport, his maj. the king of Sweden, desirous of affording a convincing proof of his wish to contribute to the success of the common cause, engages to be at the sole charge of conveying to Pomerania the troops which are to be sent there, in pursuance of the present convention, and not to require any thing for their return.—Art. VI. His maj. the emperor of all the Russias having signified his desire to land a part of his troops in Pomerania, his Swedish maj. engages, in consequence of the present convention, to afford every facility in his power to such disembarkation, and moreover to enter into particular stipulations with his imperial maj. on that head.—Art. VII. As the conditions of the obligations contained in the articles II. & III. of the preliminary and secret convention, limit the enjoyment of the privileges therein granted to the king of G. Britain, to the duration of the war between Sweden and France, or to the period of eighteen months for the least, and his Britannic maj. not having availed himself of the stipulations of the above-mentioned two articles, his maj. the king of Sweden engages to extend them as long as the subsidies fixed by the present convention, shall be discharged by G. Brit., and whilst that power shall continue the war against France, in conjunction with Russia.—Art. VIII. The ratification of the present convention shall be exchanged at Stockholm, within six weeks, or sooner, if possible.—In witness whereof, we the undersigned, in virtue of our powers, have signed the present convention, and have affixed thereto the seals of our arms. Done at Helsingborg, the 31st of Aug. 1805. (Was signed) Henry Pierrepont. J. C. Baron de Toll.

No. IV. (A)—*Act of Guarantee by the Emperor of Russia, of the Convention signed at Helsingborg, on the 3d of Dec.* 1804.

A convention having been concluded this day, by the intervention of his maj. the emperor of all the Russias, between his maj. the king of the united kingdom of G. Brit. and Ireland, and his maj. the king of Sweden, to provide for the reinforcement of the garrison of Stralsund, in pursuance of the secret and preliminary convention of the 3d of Dec. 1804; the two high contracting parties have amicably requested his imperial maj. to consent to guarantee the execution of so desirable an object. His maj. the emperor of all the Russias has accordingly willingly agreed to a measure which tends solely to so salutary an end; and having thereunto furnished us with his full powers, we the undersigned envoy extra. and minister plenip. of his imperial majesty, declare and assure by this present act, in virtue of our full powers, that his maj. the emperor of all the Russias guarantees the convention, which has been signed this day, between his maj. the king of the united kingdom of G. Brit. and Ireland, and his maj. the king of Sweden, in all its extent, as well with the two separate articles which are annexed to it, and which form part of the same, as of all other conditions, clauses, and stipulations, which are contained therein, in the best possible form; and that his imperial maj. will cause to be forwarded and delivered, the particular ratifications of this act of guarantee. In faith of which, we have signed the present act, and have caused the seal of our arms to be thereto affixed, and have exchanged it against the acts of acceptation; as shall be likewise exchanged the ratifications of the present act against the ratifications of the said acts of acceptation, in the space of six weeks, or sooner, if possible. Done at Helsingborg this 31st day of Aug. 1805. D. Alopeus.

No. IV. (B)—*Acceptance by his maj. of the Russian Guarantee to the Treaty of Helsinborg, of 31st Aug.* 1805.

A convention having been concluded this day, by the intervention of his maj. the emperor of all the Russias, between his maj. the king of the united kingdom of G. Brit. and Ireland, and his maj. the king of Sweden, to provide for the reinforcement of the garrison of Stralsund, in pursuance of the secret and preliminary convention of the 3d of Dec. 1804; and his said imperial maj. having also granted, at the request of the high contracting parties a guarantee to all the stipulations contained in the said convention, the undersigned, envoy extra. and minister plenip. of his maj. the king of the united kingdom of G. Brit. and Ireland, receives with acknowledgement the act of guarantee which has been delivered to him this day, in the name of his imperial maj. of all the Russias, by his envoy extra. and minister plenip., and declares, at the same time, that his Brit. maj. will cause to be forwarded and delivered, the ratification of this act of acceptation.—In faith of which, the undersigned minister plenip. has signed this present act, and has caused the seal of his arms to be thereto affixed, and has exchanged it against the act of guarantee above mentioned; as shall also be exchanged, the ratifications of the present act against the ratifications of the said act of guarantee within the space of six weeks, or sooner if possible. Done at Helsinborg, this 31st day of Aug. 1805. (Signed) HENRY PIERREPONT.

No. IV. (C)—*First Separate Article of the Convention of Helsinborg, signed 31st Aug.* 1805.

His maj. the king of the united kingdom of G. Brit. and Ireland, and his maj. the king of Sweden, have agreed by the present separate and additional article, that the subsidies fixed by the second and third articles of the convention signed this day, shall continue to be paid by G. Brit. during the continuance of the war between that power and France, conjointly with Russia, or as long as the state of affairs and the operations of the allies, shall require that the fortress of Stralsund be kept in a respectable state of defence, unless the two high contracting parties shall mutually consent to the cessation of such subsidies. In both cases, if the term of their payment should happen when the sea is innavigable. His Brit. maj. engages, nevertheless, to continue their payment, according to the same rate theretofore, 'till the day of the return of the Swedish troops into Pomerania, which shall take place by the earliest opportunity. ——This separate article shall have the same force and validity as if it were inserted, word for word, in the convention signed this day, and shall be ratified at the same time.—In faith of which, we the undersigned, by virtue of our full powers, have signed the present separate art., and have caused the seal of our arms to be affixed thereto.—Done at Helsingborg, the 31st day of Aug. 1805.—Signed, HENRY PIERREPONT. T. E. BARON DE TOLL.

No. IV. (D) —*Second Separate Article of the Convention of Helsingborg, signed the 31st of Aug.* 1805.

The Hanoverian troops, which (in pursuance of the stipulations of the second and third art. of the secret and preliminary convention of the 3d Dec. 1804, renewed by the seventh art. of the present convention) may be hereafter assembled in Swedish Pomerania, shall continue, as long as they remain in that province, under the supreme orders of the commander-in-chief of the united forces, without any violation of the rights established in the three abovementioned articles.—This separate art. shall have the same force and validity, as if it were inserted, word for word, in the convention signed this day, and shall be ratified at the same time.—In faith of which, we the undersigned, by virtue of our full powers, have signed the present separate art., and have caused the seal of our arms to be thereto affixed.—Done at Helsingborg, this 31st day of Aug. 1805. —Signed HENRY PIERREPONT. T. E. BARON DE TOLL.

No. V.—*Treaty between His Majesty and the King of Sweden, signed at Beckascog, 3d of Oct*, 1805.

In the name of the Most Holy and Undivided Trinity! His maj. the king of the united kingdom of G. Britain and Ireland, and his maj. the king of Sweden, in pursuance of the ties of friendship and good understanding by which they are at present so happily united, desirous of establishing a more direct communication upon every thing which relates to the present war, which the French govt. has excited against several powers, by measures equally unjust and offensive, and by conducting itself upon principles incompatible with the security and tranquillity of every independent state; their said majesties have judged proper to concert together upon the means of opposing a sufficient barrier to the misfortunes which menace the whole of Europe. In consequence, they have chosen and named for their plenipotentiaries, namely, his maj. the king of the united kingdom of G. Britain and Ireland, the hon. Henry Pierrepont, his envoy extra. and minister plenip, to his Swedish maj.; and his maj. the king of Sweden, the Sieur Christopher Baron de Toll, a lord of the kingdom of Sweden, gov. gen. of the duchy of Scania, gen. of cavalry in his armies, chief of the regiment of carbineers of Scania, knight and commander of his orders, and knight of all the Russian orders; who after having communicated their respective full powers, have agreed upon the following articles:—ART. 1. There shall be a perfect understanding, friendship, and alliance between his Brit. maj. and his maj. the king of Sweden.—ART. 2. The convention concluded between their said majesties on the 31st Aug. last, is hereby renewed, and shall remain in full force and validity, independent of the new stipulations contained in the present treaty.—ART. 3. His maj. the king of Sweden, desirous of co-operating with effect towards the success of the general plan, engages to furnish a corps of troops, destined to act against the common enemy, in concert with the allies, and especially with the troops of his imperial maj. of all the Russias, which shall be landed in Pomerania. The number of Swedish troops employed for this purpose, shall be fixed, in every case, at 12,000 men.—Art. 4. His Brit. maj., in order to facilitate to his Swedish maj. the means of acting with vigour, and conformably to the sentiments of zeal and interest, by which he is animated for the common cause, engages to furnish him an annual subsidy, at the rate of twelve pounds ten shillings sterling for every man; which subsidy shall be paid in equal proportions, at the end of each month.—Art. 5. His Brit. maj. moreover engages, as a compensation for the expenses of assembling, equipping, and conveying the said troops, to furnish, under the head of putting them in motion, a sum equal to five months subsidy, to be calculated according to the scale laid down in the preceding art. and payable immediately after the ratification of the present treaty.—Art. 6. The two high contracting parties engage not to lay down their arms, nor to conclude peace with the common enemy, but by mutual consent; but, on the contrary, to remain firmly and inseparably united, as long as the war lasts, and until the conclusion of a general pacification.—Art. 7. In pursuance of the engagements agreed upon between the two high contracting parties by virtue of the preceding art. not to lay down their arms but by common consent, his Brit. maj. engages to continue the subsidies stipulated by the present treaty, until the end of the war.—Art. 8. His Brit. maj., in order as well to cover the expenses of the return of the Swedish army, as of all other objects connected therewith, engages to continue the subsidies stipulated by the present treaty, until three months after the peace.—Art. 9. His Brit. maj., impressed with the importance of putting the fortress of Stralsund in the best possible state of defence, engages to place, immediately after the exchange of the ratifications of the present treaty, at the disposal of his Swedish maj. the additional sum of 50,000*l.* sterling for that purpose.—Art. 10. The present treaty shall be ratified by the two high contracting parties, and the ratifications thereof shall be exchanged in six weeks, or sooner, if possible.—In witness whereof, we the undersigned, in virtue of our powers, have signed the present treaty, and have thereunto affixed the seals of our arms.—Done at Beckascog, the 3d Oct. 1805. (Was signed) Henry Pierrepont. J. C. Baron de Toll.

SUPPLEMENTARY PAPERS RELATIVE TO THE CONTINENTAL WAR, PRESENTED BY HIS MAJESTY'S COMMAND TO BOTH HOUSES OF PARLIAMENT, 3D AND 4TH FEB. 1806.

No. I.—*Copy of a Dispatch from Sir Arthur Paget to Lord Mulgrave,* (No. 47.) *dated Vienna, June* 5, 1805.

My lord; when I was with count Cobentzl yesterday morning, I found him considerably agitated on account of the intelligence he had received from Genoa. He began by telling me that he was extremely anxious for my arrival here, in order to communicate to me some information which had been received by him the preceding evening by a courier. He then sent for the dispatches he had received from the imperial minister at Genoa, and gave them to me to read; the substance of them is contained in my preceding number.—The originals had been sent in the night to the emperor at Prague, and the vice-chancellor was just dispatching an estafette with the intelligence to St. Petersburgh.—I wrote a few lines in his room by this opportunity, to apprize his majesty's ambassador at that court of these circumstances. Count Cobentzl asked me if I meant to transmit the account by a messenger, and indeed seemed rather desirous that I should; but, upon calculation, it appeared certain that that govt. will have received it sooner through France. This, however, led me to ask the vice-chancellor what he conjectured to be the sentiments of the govt. upon this important event; to this question he replied, that I must be aware that it had made a very deep and serious impression upon his imperial maj.'s ministers; but that, in the emperor's absence, he could not take upon himself entirely to say more; that he conceived, that the first order he should receive from his imperial maj. would be to recall the whole mission from Genoa.—The interview ended here, after a considerable time had elapsed in the perusal of the different papers. I have the honour to be, &c. (Signed) Arthur Paget.

Copy of a Dispatch (No. 52.) *from Sir Arthur Paget to Lord Mulgrave, dated Vienna,* 22d *June* 1805.

My lord; it is, I believe, felt here, that the annexation of Genoa and Placentia are acts which nothing but an appeal to arms can afford a proper satisfaction for; accordingly, I do not find that the emperor has broken silence upon those subjects.—It has been lately a subject of deliberation in the military councils here, whether, in the event of being attacked, Venice should be abandoned, and the question has been decided in the negative.—Gen. Devaux, an engineer officer of great merit in this service, sets out within this day or two, in order to put the following places into the best possible state of defence, viz. Venice, Treviso, Trent, and Brixen. (Signed) ARTHUR PAGET.

Copy of a Dispatch from Sir Arthur Paget to Lord Mulgrave, dated Vienna, 6th July 1805. (No. 55.)

My lord; the French ambassador demanded at the beginning of this week an interview with the vice-chancellor, who, being himself too unwell to accept it, deputed the under-secretary of state to receive him.—The purport of the communication made by M. de Rochefoucault was to inform this court, that the different encampments which had lately taken place in Italy, had been formed for the sole purpose of exercising the troops, and that, having been inspected by Bonaparte, they had broken up, and the troops had returned into their respective quarters; that Bonaparte could not be ignorant of, or insensible to, the great military preparations which have of late been making in this country; that he trusted, however, that the emperor, guided by a mutual desire to remain upon terms of friendship and amity with France, would give the same unequivocal proofs of it.—Two or three days after this communication, the vice-chancellor saw the French ambassador, and gave him the same sort of answer he had already done on nearly a similar occasion. He informed him, that the military preparations alluded to, had been determined upon in consequence of the French army in Italy having been considerably augmented; that precaution therefore had rendered them necessary; that it was, and always should be the emperor's firm resolution, to adopt such a system as the safety of his dominions appeared to require; that the preparations in question were within those dominions, whereas Bonaparte had collected his troops in a country which did not belong to him.—The above is the substance of what has passed upon this occasion between the vice-chancellor and the French ambassador, as related to me by the former. (Signed) ARTHUR PAGET.

Copy of a Dispatch from Sir A. Paget to Lord Mulgrave, dated 3d Aug. 1805. (No. 64.)

My lord; orders were issued on Monday or Tuesday last, for assembling an army of 40,000 men at Budweis, in Bohemia.—In Italy and the Tyrol there may be from 120,000 to 150,000 men.—But of all the preparations which have been made, none have created so much sensation among the public here, nor in fact bear so much the aspect of a serious intention to act, as this last measure.—The first movement of this corps would naturally be to take a position upon the Inn. Two military councils have lately been held at Luxembourg, at which the emperor presided. The archdukes Charles and John, the generals Latour, Mack, and Charles Schwartzenburgh, assisted. The archduke John has received orders to hold himself in readiness to join the army in Italy, at the end of this month.—According to the latest accounts received by this government, there do not appear to be any extraordinary troubles in Italy; and no later than yesterday count Cobentzl told me, that every thing was perfectly quiet upon the Rhine.—In Swisserland the imperial minister baron Crumpipen has, I am informed by the vice-chancellor, received instructions to insinuate that the emperor considers himself as guarantee of the constitution of that country. (Signed) ARTHUR PAGET.

Copy of a Dispatch from Sir A. Paget to Lord Mulgrave, dated Vienna, 29th Aug. 1805. (No. 72.)

My lord; I have at length been put in possession, by the vice-chancellor, of the whole of the negociation which has been carrying on between the two imperial courts, since Nov. 1804. I received also, 3 or 4 days ago, from lord G. L. Gower, by an Austrian messenger, copies of the declarations exchanged between him and count Stadion, on the 9th inst. In the one presented by his lordship, it appears that his imperial maj. has consented to adopt the modifications proposed by the emperor of Russia to the arrangements for the general pacification of the continent. The remaining point, therefore, to be settled between the two courts, is that of subsidies. And in the first place, I have to acquaint your lordship, that at an interview I had with count Cobentzl immediately after the receipt of lord G. L. Gower's letter, I desired to know whether the emperor would ratify count Stadion's declaration, and consent to the conditions under which our offer of subsidy is made to the Austrian government.—In answer to which application, I was this day informed by the vice-chancellor, that, although he had not as yet received his imperial maj.'s final commands, yet that he had no doubt that the ratification to the above declaration would be sent to St. Petersburgh by the first messenger. It is obviously unnecessary for me to enter into a calculation of the difference between the subsidy offered, and the sum demanded.—For the year 1806, the stipulations are, as I am informed by the vice-chancellor, mutually understood and agreed to. It is therefore for the subsidy of the present year that his maj.'s ultimate decision is anxiously awaited; and, with a view to accelerate as much as possible the conclusion of this business, I conceive it to be the wish of the emperor's ministers, that it should henceforth be treated directly between the courts of London and Vienna.—From the present appearance of things, it is evident, that a war with France will now no longer depend upon the payment of 1 or 200,000*l.* more or less; I must nevertheless observe, that count Cobentzl has insinuated to me, that the language which the emperor will soon be called upon to hold to the French govt. would naturally be heightened or lowered in proportion as he may be provided with the means of making good his pretensions. His maj.'s govt. may certainly expect that the subsidiary demands of the court of Vienna beyond the sum which has already been offered by his maj.'s ambassador at St. Petersburgh, and accepted by count Stadion, will be strongly pressed upon.—According to the best information I have been able to obtain upon the subject, the Austrian armaments have already occasioned an expenditure of about 36 millions of florins. What the result of them may be, is another question: but I must admit, that they could not have been carried on upon a more extensive and a more formidable scale, and with greater activity, had that sum been previously placed in their bank.—I have received the same statement of the expenditure from count Cobentzl, and he has in fact requested me to impress as strongly as possible upon the minds of his maj.'s ministers, that, considering the wretched state of the finances of this country, the emperor fully relied upon the generosity of his maj., and had, consequently, not hesitated at once to place his armies upon the most formidable footing. (Signed) ARTHUR PAGET.

Copy of a Dispatch from Sir A. Paget to Lord Mulgrave, dated Vienna, Aug. 29th, 1805. (No. 73.)

My lord; I have the honour to inclose a Règlement which was published yesterday, and by which the Austrian army is declared to be upon the war-establishment.—In order to avoid your lordship an immediate contest with the probably bad German in which this Règlement is written, I have caused a translation to be made of the essential points contained in it, which I herewith enclose—The opening of it, in fact, the most important of the whole.—I happened to be in count Cobentzl's cabinet yesterday morning reading some papers, when the French ambassador arrived in the adjoining audience with this Règlement in his hand. The interview, though very short, was, I fancy, rather a boisterous one.—M. de la Rochefoucault, alluding to the Règlement, began by saying, as count Cobentzl informed me immediately afterwards, "Vous voulez donc la guerre et bien vous l'aurez;" the conversation did not in other respects appear to be very novel. The vice-chancellor contended that the emperor's views in arming were to maintain peace, and that at all events he armed in his own country, whereas Bonaparte's armaments were made in a country which did not belong to him.—It is unnecessary that I should say more upon this subject, as your lordship will have already received, through count Starhembergh, the most recent communications which have taken place between the court of Vienna and the French govt. (Signed) ARTHUR PAGET.

Copy of a Dispatch from Sir A. Paget, K. B. to Lord Mulgrave, dated Vienna, 30th Aug. 1805. (No. 75.)

My lord; a Russian courier arrived here yesterday with an account that the first body of the Russian troops under gen. Koutousof were to enter upon the Austrian territory on the 26th instant. I have the honour to be, &c. ARTHUR PAGET.

Copy of a Dispatch from Sir A. Paget, K. B. to Lord Mulgrave, dated Vienna, 30th Aug. 1805. (No. 77.)

My lord; it was not until this afternoon that I got a sight of the answer made by the French government to the declaration of the court of Vienna. This answer, as well as a letter from M. de Talleyrand to the vice-chancellor, written about two days after, and a second note presented to count Philip Cobentzl about the same time, all which I have read, will be sent in the course of a very few days to count Starhembergh for the information of his majesty's government. In the mean ime I will inform your lordship of the substance of the matter contained in these pieces. In the first place, the note in answer to the declaration, contains a refusal to accept the mediation of the court of Vienna. Bonaparte rejects all idea of any further negociation with Russia; he at the same time tells the court of Vienna that it depends upon the emperor to bring about a peace between England and France; that he has nothing to do but to disarm, and to declare to England that he will take no part in her quarrels with France, and that thus peace between those powers will be signed before the month of February. The letter of M. de Talleyrand is written in the same sense, and goes into a great deal of detail, to prove that Austria is running headlong into perdition by allying itself with Russia; that its true ally is France; that the emperor has no right to complain of the annexation of Genoa to France, because Bonaparte tacitly consented to the cession of Lindau in Swabia (this is so ludicrous that, had I not seen it, I should not have ventured to have reported it) to the court of Vienna; (I will just observe that this Lindau belonged to the prince Bretzenheim, a natural son of the late elector of Bavaria, for which possession he has in exchange received an estate in Hungary;) that the whole conduct of the court of Vienna is favourable to England, and of course inimical to France; that these armaments will oblige Bonaparte to withdraw his troops from the coast, and that he must thus abandon the conquest of England, towards which his whole views had been of late directed. The second note contains a formal demand that the Austrian troops in Italy and the Tyrol should be reduced to the numbers that were in those countries six months ago, and that the fortifications de campagne should be discontinued, in which class those of Venice are placed. To these demands a speedy and categorical answer is insisted upon, in default of which Bonaparte will withdraw his troops from the coast in order to repel force by force. I am, &c. ARTHUR PAGET.

Copy of a Dispatch from Sir A. Paget, K. B. to Lord Mulgrave, dated Vienna, 5th Sept. 1805. (No. 80.)

My lord; prince Charles Schwartzemberg set out the night before last for Munich. He is ordered to notify to the elector the entry of the Austrians into Bavaria, which will take place immediately. They will, for the present, not advance further than the Iser. I have, &c. ARTHUR PAGET.

Copy of a Dispatch from Sir A. Paget, K. B. to Lord Mulgrave, dated Vienna, 5th Sept. 1805. (No. 85.)

My lord; orders have been transmitted within these three or four days to the Russian ambassador, for the embarkation of the Russian troops at Corfu. Count Razamofsky is not informed of the place where this force will disembark; this is to be decided according to circumstances by the commander; but it appears probable that they will proceed at once to Naples. It is presumed that Sir James Craig has been instructed to co-operate with the Russian general for the expulsion of the French from that kingdom, should affairs take that turn. Count Cobentzl has led me to expect that a communication will very soon be made to me, relative to the co-operation of the forces under Sir James Craig.

Extract of a Dispatch from Sir A. Paget to Lord Mulgrave, dated Vienna, 11th Sept. 1805. (No. 86.)

I am happy to inform your lordship, that the emperor's ratification of the act of accession delivered on the 9th ult. by count Stadion to his majesty's ambassador at St. Petersburgh, was sent off by a messenger the day before yesterday. The archduke Charles will leave Vienna on Monday next; he will take up his first head quarters at Padua, at which place he will arrive on the fifth day. The archduke John left Vienna for the Tyrol the night before last.

Extract of a Dispatch from Sir A. Paget to Lord Mulgrave, dated Vienna, 14th Sept. 1805. (No. 87.)

I am to see count Cobentzl this evening. It is possible that the nature of the communication I expect to receive, will relate to the Bavarian business, and may induce me to send a messenger to England. Lest it should be otherwise, I will now inform your lordship, that the elector of Bavaria, after having in the most solemn manner bound himself to join his troops to those of Austria, precipitately left Munich, having given orders for the whole of his army to follow him into Franconia. The French minister had also set out for Wurtzburgh. I cannot as yet inform your lordship of the measures which this conduct of the elector may lead the court of Vienna to adopt towards Bavaria. I believe that the last accounts at present say the

Austrians have now orders to advance as far as the Lech.

Copy of a Dispatch from Sir A. Paget, to Lord Mulgrave, dated Vienna, Sept. 15th 1805. (No. 88.)

My lord; I have the honour to inclose a duplicate of my dispatch of yesterday. I have now to inform your lordship that the French ambassador yesterday demanded his passports, which he was instructed to do as soon as he received information of the Austrians having entered into Bavaria. Instructions have been sent to the Austrian minister at Munich to follow the elector of Bavaria to Wurzburg, and to employ promises, threats, and every means of bringing him back to his engagements. This had already been done by prince Schwartzenberg. Mr. Buol will offer more. We shall see whether Mr. de Mongelas will be more tractable with him.—The Bavarian forces do not, as count Cobentzl mentioned to me last night, amount to more than 10 or 12,000 men. The elector of Bavaria, in his first interview with the prince, promised every thing that was demanded; he confirmed his promise in a few lines he wrote him; he sent gen. Nogarolla here with a letter to the emperor, which commences nearly in these words:—"I have ordered my minister to sign a treaty with prince Schwartzenberg, by which I join my troops to those of your majesty."—When the above officer arrived with this letter, the emperor had already heard of the elector of Bavaria's departure. The Russians are to be at Brünn on the 20th. Couriers have been sent off to request that they may advance by forced marches. Gen. Meerfeldt is to be attached to these corps.—This govt. has, within these few days, had accounts of the whole of the French army having quitted the coast, and being in full march for Strasburg and Mayence.—It is said that Bonaparte will command in Germany with marshal Ney under him. It is reported, that Joseph Bonaparte will command in Italy, having Massena attached to him. I have the honour to be, &c. A. Paget.

Copy of a Dispatch from Sir A. Paget, to Lord Mulgrave, dated Vienna, 18th Sept. 1805. (No. 91.)

My lord; the emperor sets out for the army to-morrow. His imperial majesty, after having conferred with gen. Mack upon the different objects for which he undertakes this journey, will, I understand, return to Vienna for the transaction of business, previous to his final departure to take the command of his armies.—My last letters will have informed your lordship, that the Austrians were advancing to the Lech. I have now to announce a still more forward movement to the Iller, or, in other words, to the position of Ulm. According to the last accounts which have been received here, it is supposed that the army under Bonaparte, which is assembling at Strasburg and Mayence, but particularly the latter, will amount to 115,000 men; independent of this, there is the army under Bernadotte, which is understood to be marching in the direction of Franconia, with the view probably of threatening Bohemia.—It will therefore probably become necessary to strengthen the Austrian army in Germany, which can only be done by drawing troops from the Tyrol. This consideration, together with the determination which had been taken, of not commencing operations in Swisserland, have induced the emperor to accede to the demand of neutrality made by the Swiss govt.; accordingly his imperial majesty, in his answer to the Landamman, has signified to that govt. his consent to admit the neutrality of Swisserland; but his imperial majesty has at the same time, declared, that his observance of this engagement will depend entirely upon a strict adherence to such a system on the part of the Swiss, and that from the moment they permit the passage of the French troops, or grant supplies of any sort; in general, that if they deviate in the slightest degree from the neutrality they have proposed, he shall, without further explanation, look upon the agreement as dissolved.—The necessity of employing fresh efforts, appears to be felt here; I am informed by count Cobentzl, that not only all the reserves, but what is called the Double Reserve, have been called out.—The archduke Ferdinand left Vienna yesterday, to join the army in Swabia. I have the honour to be, &c. (Signed) A. Paget.

Copy of a Dispatch from Sir A. Paget, to Lord Mulgrave, dated Vienna, 21st Sept. 1805. (No. 94.)

My lord; I have little to trouble your lordship with by this post. The reports from gen. Mack are of the most satisfactory nature; and the apprehensions which were at one time entertained from the immense force which Bonaparte is bringing into Germany, gradually decreases: the desertion of the Bavarians to the Austrians, is said to be considerable. Count Cobentzl's information, however, respecting the numbers of the Bavarian army, was incorrect. They may, I believe, be estimated at 20,000 men.

Copy of a Dispatch from Sir A. Paget, to Lord Mulgrave, dated Vienna, 25th Sept. 1805. (No. 95.)

My lord; accounts were rather unexpectedly received here yesterday, which announce the arrival of the emperor of Russia at Brecz. Prince Schwartzenberg will set out from Vienna this evening, to attend upon his imperial majesty during his stay in that country. The Russian troops are advancing in carriages. (Signed) A. Paget.

Extract of a Dispatch from Sir A. Paget, to Lord Mulgrave, dated Vienna, 2 Oct. 1805. (No. 97.)

My lord; it has been several times reported here, that the French had crossed the Rhine; the account which arrived here yesterday of that event, appears to be credited by this govt. Should it be true, or whenever it may happen, gen. Mack, as count Cobentzl assured me last night, has orders to advance and give them battle. It has been found necessary to reinforce the army in Germany by drawing 30 battalions from Italy; a circumstance which appears to have created some displeasure in the archduke Charles. The emperor's departure to take the command of the army, is fixed for the 22d of this month. The head of the first Russian column will have crossed the Danube at Krems, on the 5th (17th) inst. It is calculated that the whole corps under gen. Kutusow will have joined the Austrians by the 22d inst. I have the honour to be, &c. A. Paget.

Copy of a Dispatch from Sir A. Paget, K. B. to Lord Mulgrave, dated Vienna, 24th Oct. 1805. (No. 100.)

My lord; if the first operations of the campaign have been attended with loss and disadvantage, which, from the present aspect of affairs, it is, I am grieved to say, not too much to presume, we may, among other causes, attribute our ill successes to the following:—The first and principal fault which has been committed, was to have taken the field with too small a force; since the very first appearance of a rupture with France, it has been proved almost to demonstration, that the theatre of the war would be in Germany. Bonaparte himself publicly announced it in the first note presented by the charge-d'affaires at Ratisbon; and it was otherwise not difficult to calculate that the whole army of Bonaparte would rather be directed towards Strasbourg than Verona.—Massena cannot have more than 70,000 men under his command. The armies under the immediate command of Bonaparte cannot be estimated at less than 140,000. Notwithstanding which, the campaign has been opened in Germany by about 80,000 Austrians; whereas to attack or oppose Massena, neither of which he has hitherto done, the archduke Charles has not less than from 100 to 120,000 men.—I cannot explain this strange distribution and misapplication of the forces but in the two following ways:—1st, it is probable that gen. Mack, aware of the jealousy, or perhaps the decided hatred borne him by the archduke, was unwilling to inflame that animosity by a proposal to withdraw from Italy any very considerable number of the troops which, in the commencement of the preparations, it was judged expedient to place under the command of H. R. H. in that country. To this false and misplaced delicacy, therefore, are in a great measure owing the present misfortunes. And I do not see any thing improbable in this surmise; for, it was not until the last extremity that 30 battalions of infantry were in fact ordered from Italy to reinforce the archduke Ferdinand's army, and we know that this very measure gave a great deal of umbrage to the archduke Charles.—2dly, In settling the plan of the campaign, it must have been calculated, that, previous to the opening of it, the Russians would have joined. This in truth, however false and extraordinary, was the calculation which was made; upon what it was founded, I cannot exactly say.—Considering the immense preparations which were carrying on here, the return of M. Novossilzoff, announced in the middle of July, the notions which by that time Bonaparte must more or less have acquired of the negociations carrying on between his majesty and the two imperial courts, it was hardly to be expected that the deception could be carried on beyond the month of Aug.; and this was in fact the epocha at which it ceased. On the other hand, it might have been, and was, ascertained that the French troops would quit the coast in the first days of Sept.; it might also have been calculated, that according to the prodigious rapidity of their movements and the immense activity of their chiefs, they would reach their destination at the end of the same month. Equally well might it have been known that the first Russian army could not have arrived upon the Inn before the middle of Oct.; whence it became evident, that, in opening the campaign in the vicinity of the Rhine, the Austrians voluntarily, and with their eyes open, chose to commence hostilities single-handed against the French. This statement, if it be a true one, and I think it cannot be refuted, places, it should seem, gen. Mack in the following dilemma:—either the Austrians were in sufficient force to contend alone against the French, or they were not. In the first hypothesis, why should the position of the Iller have been chosen, never to be abandoned? in the latter, why risk so forward a movement? If however gen. Mack in taking up his position on the Iller under the above-mentioned circumstances, could have felt himself confident of being able to maintain it until the arrival of the Russians, it is natural, that, with a view of opposing a barrier to the progress of the enemy into the empire, he should have chosen it in preference to a more backward position. One cannot suppose that he could have been directed by any other motive; but we have had the mortification to discover the fallacy of it. There was unquestionably something fascinating in the idea of opening the campaign in Swabia or Wirtemberg, rather than in Bavaria; but it is to be presumed, that had the latter electorate been fixed upon as the first scene for action, various advantages would have resulted from it.—In the first place, had the Austrians advanced no farther than the Inn or the Iser, or even the Lech, the French would have required 8 or 10 days more to have come in contact with them, and the Russians might have joined them in as many days less.—Thus the archduke Ferdinand's army of 80,000 men, the Russians with a corps of Austrian cavalry making together 60,000 men, would have been concentrated and ready to act together at the signal given.—2dly, By this plan (supposing the Austrians to have taken their first position on the Inn) it is possible that the scandalous defection of the elector of Bavaria might have been avoided. Placed between two powerful armies, he would perhaps have maintained his neutrality until the moment of the explosion. Had victory attended the Austrians, he would have become an easy prey to their armies; at all events, the immense mischief which both his army and his subjects in general have done in Germany since the commencement of hostilities, would have been averted.—3dly, It is true that the countries of Baden, Wirtemberg, and part of Bavaria, would have equally been devoted to the ravages of the French armies. This evil was not to be prevented but by the occupation of the whole of the south of Germany by the Austrians; and the conduct of these princes creates little regret for the oppression they have undergone. The position of the Iller was, however, determined upon, and the campaign was opened, towards the end of Sept. The operations were commenced by generals Bernadotte and Marmont, who directed their march towards Wurtzburgh, thence into the Margraviate of Anspach; and having in their route collected all the Bavarians that could be found, they crossed the Danube at Ingolstadt and Newbourg, driving before them the small corps under general Rienmayer, and entered Bavaria with between 60 and 70,000 men. And here commenced the misfortunes of the campaign. Whether gen. Mack undervalued the force of that army, or whether he was uninformed or mis-informed as to its destination, which he might have conceived to be a momentary irruption into Bohemia, remains to be explained; certain it is that, instead of changing his own position in consequence of it, he contented himself with detaching an inconsiderable force, under the command of gen. Rienmayer, for the purpose of watching its operations.—During the above period, the French army under Bonaparte, amounting, according to the nearest calculation, to 80,000 men, crossed the Rhine. The electorate of Wirtemberg, the plains of Nordlingen, &c. were passed with a degree of rapidity almost unexampled. On the 6th and 7th Oct. the greatest part of the French army had crossed the Danube near Donauwerth, had taken up a position between that river and Augsburg, had by this movement, formed a junction with the army under Bernadotte, and had thus posted themselves in the rear of the imperialists.—From this movement, commenced that species of warfare by which the French rendered themselves so remarkable and so formidable in former campaigns. Of the affairs of the 8th, 9th, and 11th, I have already had the honour of transmitting to your lordship the official accounts. To those who were the most sanguine, the issue of the battle of the 11th had given some hopes of future success, but they were illusory. Gen. Ney had quietly made his retreat upon the main of the French army still between the Danube and Augsburg, and the communication between the Austrians and Russians was now completely cut off.—In consequence of this movement (whether by choice or by necessity I know not) gen. Mack divided his army, and gen. Jellachich was detached with, I believe, 15 or 16 battalions towards the Tyrol. Orders were sent at this time to the garrison of Memminghen, which consisted of 11 battalions, to evacuate that place and join the above corps under gen. Jellachich. Whether the order arrived too late, or whether it was ill delivered, I am also unable to decide; but the garrison capitulated to the French under gen. Davoust, after the town had been nearly reduced to ashes. It is to be observed, that the artillery destined for the fortifications of that place, was still without the town. On this occasion, a great number of Bavarian peasants who had joined the French, and who were taking possession of the above artillery, were cut to pieces by the Austrian hussars, who carried the whole or the greatest part of it off. I am sorry to say, that a general consternation and dismay is beginning to prevail here, at least in the public. The presence of the emperor of Russia, who is expected here on the 5th of next month, may perhaps tend to dispel the gloom, particularly should affairs take rather a more favourable turn in the interval. If in truth they bear an inauspicious aspect, they are not by any means desperate. There is an army of reserve of 50,000 men; there are as many more Russians on their march; some reinforcements may be drawn from Italy; 50 or 60,000 men may, it is to be hoped, be saved from the Austrian and Russian armies now in Germany; so that, in the course of 3 or 4 weeks, unless these armies should be absolutely and literally annihilated, we shall have considerably above 100,000 men ready to take the field.—Had hostilities commenced at the proper period in Italy, we should in all probability have been in possession of the Milanese.—On the 16th inst. the day on which it was calculated that the archduke would cross the Adige, a cannonade was opened from the French side of Verona upon the works constructing by the Austrians on their side, and which was answered by them. This is the only act of hostility which, down to this date, has taken place in Italy. I have the honour to be, &c. A. PAGET.

No. II.—*Extract from a Dispatch of Lord G. L. Gower to Lord Mulgrave, dated St. Petersburgh, 29th June* 1805. (No. 27.)

My lord; the annexation of the Ligurian republic to the French empire, executed at the very moment when a Russian plenipotentiary was expected in France, charged with propositions of which the professed object had been the general arrangements of the affairs of Europe, is considered as so gross an insult to both sovereigns, whose sentiments that plenipotentiary was empowered to declare, that his imperial majesty has judged, under these circumstances, he could not, consistently with what is due to his own dignity or to that of his august ally, permit M. Novossilzoff to proceed to fulfil the object of his mission. I have the honour to be, &c. G. L. GOWER.

Extract of a Dispatch from Lord G. L. Gower to Lord Mulgrave, dated St. Petersburgh, 22d July 1805. (No. 30.)

My lord; I was on the point of dispatching yesterday the messenger to England; when I received an invitation from prince Czartoryski to a conference, in which he read to me some very important dispatches he had just received from count Razumouskoi and gen. Winzingerode. By these it appears that the emperor of Germany is at last awakened to a sense of his true dignity, and the real interests of his empire; and that, foreseeing the inevitability of war, he is determined not to leave to Bonaparte the choice of the moment to commence hostilities.

Extract of a Dispatch from Lord G. L. Gower to Lord Mulgrave, dated St. Petersburgh, 3d Sept. 1805. (No. 38.)

My lord; the last dispatches from the Russian ambassador at Vienna, speak in strong terms of the warlike temper of that cabinet; certain communications had been made from Paris, which indicated a yielding disposition on the part of Bonaparte; but to these indications count Cobentzl seems to attach no credit, and count Razumofskoi represents that the present character of the Austrian ministry is a direct contrast to its former timidity and indecision, and that a firm conviction seems now to prevail at Vienna, that it is through war alone that any security can be obtained against the ambition and power of France. There is just ground for expecting that his imperial and royal majesty being persuaded that war is inevitable, may be induced not to wait the issue of the proposed negotiations with the French government, but that he will commence hostilities at the time when the superiority of the allied forces promises the best prospect of success. Towards the beginning of Oct. the Austrian army upon the Venetian frontier will be completed to its full establishment, and will without doubt be greatly superior in numbers to the French forces in Italy, and the Russian armies will be sufficiently advanced into the hereditary states, to ensure their arrival upon the frontiers of Bavaria, before the French troops from the coast and the interior of France can reach the German empire; I have therefore, in several conversations lately with prince Czartorisky and comte Stadion, urged the expediency of losing no time in beginning war. The prince informs me, that he has already instructed comte Razumouskoi to press this consideration upon the attention of the court of Vienna, but that he will not fail to repeat the instructions to the Russian ambassador.—I have great satisfaction in observing the increased energy and vigour of this court. The emperor, foreseeing the possibility of Bonaparte effecting a large augmentation to the French army in consequence of the menaced attack by the allied powers, has resolved to be prepared to meet such an effort, by a corresponding exertion on his part, and he has ordered a levy of four men in every 500, which will produce above 150,000 men:—A corps of about 10,000 men, under the command of his imperial highness the grand duke Constantine, and composed chiefly of the garrison of St. Petersburgh, began their march towards the Prussian frontier on Thursday the 22d. The troops destined for Pomerania are ready for embarkation, and will probably sail in about 6 or 8 days; they amount to 20,000 men. No dispatches, however, have been received from M. Alopeus, who was charged to negociate with the king of Sweden the necessary arrangements for the landing of the Russians at Stralsund, and the augmentation of the Swedish garrison at that port. I have the honour to be, &c. G. L. GOWER.

No. III. (A.)—(Translation.) *Plan of Operations proposed by the Court of Vienna.*

France, upon the new organization of her army, has on foot,

112 regiments of the line -	404,828 men.
30 regiments of light infantry	107,540
85 cavalry - - -	64,226
16 artillery - - -	21,430
	598,024

This number, with the addition of the different corps in Corsica and the islands, of 21 regiments of Dutch soldiers, 11 Swiss regiments, 18 auxiliary troops from Italy, and the imperial guard which consists of 15,000 men, makes a total of 651,964, the whole military force now on foot in France. These troops are for the greater part already on the war-establishment. Any grand descent from England, upon the coast of France, with the probability of decided success, is scarcely to be expected. France may therefore venture to draw almost all her troops from her interior, and from her coasts. Besides, a well-arranged national guard, in perfect discipline, would enable her to spare her troops of the line even from where they had been employed in preserving domestic order and security. It follows, that France might employ 500,000 men in Italy, Switzerland, and Germany.—In opposition to that force, the 250,000 Austrians and 115,000 Russians, stipulated in the last treaty, compose a total force, which is, in comparison, so much the less to be depended upon, because very little effective assistance is to be expected from the Swedes and the English. The following are the necessary conclusions from the statement:—1st; Considering this estimate, and the advantages which France enjoys in its geographical situation, whether for defence or for aggression, the maintenance of peace, till a more favourable conjuncture shall arise, seems to be infinitely desirable.—2d; If, however, war should become inevitable, not only to ensure its success, but to avoid likewise evils more alarming than those of the present moment; it would become indispensably necessary, that the allied courts should use their most vigorous efforts to oppose those of the enemy, and bring into efficiency means at least equal to theirs, if not superior.—The military arrangements, the financial, and the general policy of the allies, must concur in putting forth those energies, by which alone we can hope to give success to our efforts.—1st, Military arrangements. This co-operation in these three branches could be of very little effect if the Austrian armies should not come into the field more than 300,000 strong. The first of the papers subjoined shews, what would be the deficiencies to be supplied in the imperial and royal army in recruiting, in appointments, and in remounting the cavalry, besides other augmentations, necessary to raise it from its present weak state, upon a peace-establishment, to the number above-mentioned; and at the same time, to leave the number of troops requisite for service in the interior of the monarchy, and for the observance of the movements of Prussia.—The difficulties which strike upon a first view, will appear still more considerable upon a due attention to the manner in which the Austrian troops are now distributed. The line formed to prevent the introduction of infectious disease, has indeed contributed to obviate, in part, that disadvantage, as it leaves the Venetian dominions of the empire no longer in danger of a surprize from the French. But, if it were necessary to take measures to oppose a great force to that which the enemy might bring against us from the interior of his dominions, then would dispositions the most prompt and vigorous be requisite, to the seasonable concentration of the Austrian troops which are, in great part, at a distance from the frontiers in danger, to put them upon the footing for war, and to bring them to act upon the points which are the most exposed. This first measure would require to be carried into effect with the greater activity, because it could not be expected that the troops of his majesty the emperor of Russia should, from such a distance, arrive on the scene of action, till after the Austrian troops should have sustained the first attacks of the enemy. His majesty will not be deterred by these great difficulties, if war shall become unavoidable; he will, in that case, use his most strenuous endeavours to surmount every difficulty, and fulfil his engagements. But, to give effect to this steady resolution, it is necessary;—2dly, That there should be adequate financial resources, and that the difficulties which present themselves under that head, should be removed. The imperial court of St. Petersburgh has already been informed of the vast and necessary expenditure required to put the infantry, the cavalry, the carriages and artillery, the objects of the commissaries' department, the magazines and stores, in short, every thing belonging to the army, upon the full war-establishment. The succour of 15 millions of florins, which has been asked from England for this primary service, is not more than one-half of what is actually wanted. The expence of each campaign of the last war was from 110 to 120 millions. The subsequent rise of the prices of commodities would render the expence of the same objects, now, considerably greater. But, suppose it even not to exceed the former, yet the subsidy of 30 millions of florins, which is asked from England, added to the ordinary peace expenditure of the army, would leave still an enormous deficit, which the burthened finances of Austria could hardly make good. It follows, that, unless England grant the subsidy which has been demanded, it must be impossible for the court of Vienna, notwithstanding its determined inclination, even to make those preparations for war, which are not to be attempted without an assurance of being able to follow them up and maintain them.—These considerations being stated, it is next to be examined, what would be the detail of the operations of the armies in Italy, the Tyrol, Switzerland, and the frontier of Germany, if they should make all their movements in perfect mutual concert. It is this concert of operations which must meet the first plans and marches of the enemy. Its prompt or tardy success, its favourable or unfavourable result, will determine, in fact, the whole fortune of the war, and of course, the fate of Europe.—Considering the geographical position of France; its German frontier; Switzerland, which is in subjugation to it; and the Italian republic; and observing, on the other hand, the position of the hereditary dominions of Austria; it is impossible not to discern, that it would be imprudent to make any attempt from Germany, against France, in Alsace or on the Rhine. Such an attempt could be made, only, by passing the Rhine at Manheim, or by laying siege to Mentz.—In the first of these enterprizes, there would be the vast disadvantage of advancing, from the very first step, amidst fortified places of the greatest strength; of being forced to carry on a war of sieges, with an enormous consumption of men and money, and without a prospect of any happier issue of the campaign, even at the best, than by the reduction of one of those strong places. To undertake the siege of Mentz, at least 50,000 men would be necessary to blockade the place, and cover the operations of the siege. The extent and strength of Mentz are such, that we should be detained before that place alone for half the campaign; and no operation subsequent to its surrender, could lead to any but very uncertain and insecure results; because the places upon the Meuse on the one side, and in Alsace on the other, would every where arrest the progress of our armies. Add to these another consideration of not less weight, that, since neither of those operations could be carried into effect but by great armies, there would be few troops left to cover the upper Rhine. The enemy might avail himself of that local weakness; might direct his attack there, while we should be occupied in the siege of Landau or Mentz; and might thus advance in a line of operation shorter than ours; might possess himself of our communications; and might get between us and all our supplies. To avoid being cut off from these, we should, in that case, be obliged to abandon every thing without striking a blow.—An attempt through Switzeralnd, against Franche Comté, would be, indisputably, the most formidable to the enemy. His frontiers are there open. But, as such a plan of operation could not be carried into effect but through Swabia, by the Voralberg, or below the lake of Constance, on account of the impossibility of having supplies conveyed through the Tyrol; it would be necessary, before attempting it, to have made considerable progress in Swabia, and to have an army of observation opposite Strasburg, to watch the enemy. It would even be necessary to have obtained some advantages in Italy, before hazarding an attack in Switzerland. A retreat of the army in Italy towards Klagenfurt, would prevent the army in the Tyrol from joining in the operations in Switzerland. The enemy would possess themselves of the Puster-Thal, (the Puster-Thal is in the Tyrol between Brixen and Lientz, and communicates with the vale of the Adige) on the great road for our communications and conveyances to and from the Tyrol. We should be compelled to detach troops from the army in Germany for the interior defence of Austria, and not only to relinquish all offensive operations, but even to confine ourselves within the line of the Lech, or, possibly, the Inn in Germany, and there to take a defensive position, in order not to be at too great a distance from Austria, and to be ready to supply with due promptitude the assistance which might there be wanted. It follows, from all these considerations, that the war should begin with vigorous offensive operations in Italy. It is there we should act with the superior force of our army. A victory gained there would afford us the same advantages for the prosecution of offensive operations against France, which France would acquire from our loss of a battle, in order to penetrate into the Austrian hereditary dominions. If the difficulties of our situation render it even impossible for us to arm and advance to act upon the frontier as soon as the enemy, how much less is it to be expected, that the troops of the emperor of Russia could arrive in time to act at the very commencement of the war?—It would be the interest of France to use every means to anticipate their arrival, by an early and decisive superiority. Any concentration of our troops, or the march of the Russians, would not fail to afford Bonaparte a specious pretext to declare war. The force of this observation is, to prove, that, in the case of war with France, the plan of operations, the first distribution and disposal of the troops, the commencement and the first progress of the military movements, must be arranged, on the supposition that war will be begun by the Austrians alone.—It would be requisite, that the army in Italy should begin its movements with forcing the passage of the Adige, dislodging the enemy from the Mincio, investing Mantua and Peschiera, detaching a body of troops to the Po to observe the south of Italy, and open its way to the Adda, in order to cover the blockade or siege of these places. Only the reduction of these two fortresses, or some such great and fortunate events, as are not to be reckoned upon, could induce the commandant of this army to push his operations farther.—The army in Germany would commence its operations by passing the Inn, would enter Bavaria, and would there await on the Lech the movements of the other armies, and in particular, the arrival of the troops from Russia. The army in the Tyrol would be determined in its movements by those of the armies in Italy and Germany.—In the case of operations against Switzerland, a part of the troops in the Tyrol would be employed in an attack on the Grisons and the other small cantons; and the rest would, in the case of the success of the army in Italy, advance from its defensive positions, and join that army. This is all that, with our greatest efforts, and upon the supposition of decided success, we can expect to accomplish, till the whole of the plans and powers of the coalition shall be in full activity. If Italy be the grand point of operation at the commencement of hostilities, Switzerland must become such, as soon as we shall have obtained successes in that quarter, and shall have advanced through Swabia. Switzerland offers to a conqueror the advantage of the shortest communication between Italy and Germany; it gives the facility of sending supplies and reinforcements with promptitude to the one or the other of these countries; and it is only through Switzerland that an entrance can be effected into France on the side of Franche Comté. It would, then, be necessary to cover ourselves on the side of Alsace, by taking Befort and Hunningen, and leaving, at the same time, a considerable body of troops in Swabia, to cover the right wing of the army in Switzerland from any attempts by the French from Strasburg, and to protect our communications, and ensure the conveyance of supplies.—The reasons have been explained, on account of which, in the general plan of operation, it is not indicated in what manner the troops of the two imperial courts might co-operate, either in union under the same standards, or by a concert in their movements. We must look forward to the case of Austria being attacked by France before the arrival of the Russians in Germany. The combination of the operations of the two courts would, then, depend upon the resolution of Prussia. And (thanks to the wise measures of the emperor Alexander!) we are soon to learn decisively how far we may or may not reckon upon Prussian co-operation, upon the neutrality of that power, or its rejection of our propositions. We shall, then, be enabled to present to the imperial court of Russia, upon the request which it has communicated, proposals for its co-operation towards the common and general object.—We may here previously submit the consideration, that the line of operation in Italy is the most remote, and that it is there the campaign must be opened with the greatest vigour; that the court of Vienna will therefore send a great army into Italy, in order to act with rapidity upon that line; and that therefore the march of the Russian troops, and their substitution for those of Austria, amidst the movements of the war in Italy, would be impossible.—As soon as we shall certainly know the result of the great and important step which his majesty the emperor of all the Russias has taken at the court of Berlin, we shall add without delay, whatever remains to be communicated farther upon the subject of the friendly propositions here explained, and upon the plan of operations for the two courts in Germany; and shall forthwith submit it to the court of Russia.—

No. III. (B)—*Extracts from a paper intitled, "Remarks on the Plan of Operations proposed by Austria."*

The plan which the cabinet of Vienna has transmitted to that of St. Petersburgh presents a new proof of the intimate confidence mutually subsisting between the two imperial courts; and if the war now undertaken to check and restrain the ambition of Bonaparte shall terminate happily, its success must be owing to the continuation of that confidence. Upon this principle we shall, without dissembling any difficulty, offer our remarks upon the plan, article by article, in order to obviate as much as possible the difficulties apprehended by the Austrian cabinet.—The plan begins with stating as a fact, "that the real forces of "the French amount, upon the new orga-"nization, to 598,084 men, and with the "addition of those which are at the dispo-"sal of the French govt., to 651,964 men." "The cabinet of St. Petersburgh has reason to believe, that the French army is far from being complete on its new organization, in consequence of the difficulty which the French govt. has to surmount, and notwithstanding the violent means it is obliged to use, to muster the fresh conscripts, who strive, in all possible ways, to avoid the service.—Besides, though the English should be unable to effect any disembarkation on the French coast, sufficient for the prosecution of regular war within France, they may, nevertheless, occupy a considerable number of the French troops, by menacing a descent on all the accessible points; on the lower Elbe, on the Weser, on the coasts of Holland, Flanders, France, and Italy. The French, in short, must be naturally obliged to divide their strength, and distribute their forces for the defence of every assailable point of their possessions.—It follows that the French can never be in a condition to oppose so many as 500,000 men to the operations of the powers of the coalition, and that a deduction of perhaps one third of their forces may be confidently reckoned upon. The disproportion of 250,000 Austrians and 115,000 Russians to the French troops which can be brought to act against them, will therefore be less considerable than it has been supposed.—From the unfavourable calculation of the relative forces of France and the allies, which is presented in the plan of the court of Vienna, the following conclusions have been drawn; "I. That "the local advantages which France enjoys by its geographical position, whether "for defence or for aggression, are such, "that it is desirable to remain at peace till "a more favourable conjunction of affairs."—This reasoning would be solid and just, if it were probable that any more favourable conjuncture of affairs should hereafter arise; if the court of Vienna could, in the mean while, prepare and augment its forces, and if the state of things should, in other respects, remain unaltered.—But, while Europe temporises, Bonaparte's govt. acquires every day new stability. His power increases by the subjugation and new organization of all Lombardy and Parma. The relative geographical advantages can undergo no change favourable to Austria; but, in fact, the contrary. Besides, there can be nothing more dangerous than the policy of the French govt. which has ever gained more by negociations than by its arms. If we enumerate the battles of the last war, the French lost as many as they gained. It is always in the intervals between one great period and another, in seasons of insincere, nominal peace, that they enlarge their dominions.—We are therefore firmly persuaded, that the court of Vienna, if it would consult its own true interests, should not hesitate to renew the war as speedily as possible; and ought to make every effort to prevent Bonaparte from consolidating his power. Assured of the assistance of Russia and of England, when shall it find a conjuncture more favourable?—The second thing assumed as a conclusion in the Austrian plan, is "that, if "war be inevitable, the allied courts ought "to act with the most vigorous efforts of "which they are capable." In this the court of Vienna has formed a just opinion. But it errs in supposing for a moment, that it would be left alone in the midst of the contest. The good faith and honour of his majesty the emperor of Russia are too well known, to admit a shadow of mistrust upon this head. Neither would the English govt. be disposed to sacrifice such immense sums of money, if its determination were not finally fixed.—After this conclusion in the plan are mentioned three things, the co-operation of which is requisite in order to bring forward those great energies which are necessary to the success of the alliance, namely, the military arrangements, the financial arrangements, and the general policy.—1. "It is stated, "that military efforts would be of no "avail, if the Austrian armies should enter "the field less than 300,000 strong."—We entertain too high an opinion of the resources of the court of Vienna, to doubt but the Austrian army may be put in a short time upon such a respectable footing, as to enter the field in sufficient force. Being in alliance with Russia, and certain of the good faith of that power, it will have only France to oppose, and will not be under any great necessity of maintaining a force to observe Prussia.—It is very true, that the French, as soon as they shall see war to be inevitable, will put themselves in motion; and that Austria will have to sustain their first attack till the Russians join them. But, as the Russian troops are ready to march, a body of them may be detached immediately, which shall advance by forced marches to assist in the protection of the hereditary dominions of the house of Austria, and to arrest the first impetuosity of the torrent.—2. The finances are next mentioned in the plan. The difficulty in regard to them, must be in a great measure removed by the subsidy from England. Besides, it is certainly to be expected, that in this, as in what regards the completion of the army, the court of Vienna will not fail to employ all its means and resources.—The contingent of Russia would be, on the whole, 115,000 men, deducting 25,000 for the kingdom of Naples. There would remain 90,000 to act in Germany, which might be conveniently formed into two armies, one of 50,000 men to assemble on the frontiers of Galicia opposite to Lemberg; the other, of 40,000 to assemble along the Bourg, opposite Lublin.—The first of these armies might, upon the first appearance of hostilities, detach the column mentioned which should march across Galicia towards the Danube, to assist in opposing the first attempts of the French upon the hereditary dominions in Germany, when it should have arrived in the vicinity of Ratisbon; its subsequent movements would be determined by the condition of the Austrian army.—The rest of the Russian army should follow immediately, in order to reach its destination with the smallest possible loss of time.—The other army would march by Lublin and Cracow.—It were to be wished that we should know what routes the court of Vienna would particularly desire, that these two armies should take. In all cases, their marches should be respectively so arranged, that they may not meet at Teschen.—

As to their operations, the first might be employed on the left bank of the Danube, in communication with the Austrians upon the opposite bank, having its left upon Donauwert.—The second army, upon arriving in Bohemia, would proceed into Franconia, or wherever the state of affairs should require its presence.—The court of St. Petersburgh is about to send a confidential person to Paris, to make a last endeavour to persuade Bonaparte to listen to reasonable conditions. Should these be accepted, it may prevent the war. But, in the mean time, nothing is to be neglected: for, it is certain, that we shall succeed only in proportion as we put ourselves in a respectable position. And we ought to be ready to begin, the moment the negociation terminates. The reasonings suggested upon the probable progress of the military operations, appear to proceed upon very salutary and judicious views. It is agreed, that any operations against the frontier of France, along the Rhine, whether below or above Mentz, would be attended with great difficulty. It is rather on the Italian line that the first success is to be expected. It is consequently towards that quarter that the principal efforts ought to be directed. All this part of the plan must be allowed to be perfectly well arranged.

No. III. (C.)—Translation. *Extract of the Protocol of Conferences between the Austrian Generals and the Aid-de-Camp General Baron de Wintzingerode.*

Observations of the Austrian generals.	*Observations of General Baron de Wintzingerode.*
1. Requests information on the number of troops composing the first Russian army destined to enter by Brody.	1. The gen. Wintzingerode is confident that his imp. maj. will resolve that the total of this first army shall amount to 54,916 men and 7,920 horses, therein being comprised the infantry, cavalry, and artillery, as well as the regiments of Chasseurs and Cossacks: and every measure has been taken to complete the regiments destined for this service.
2. Requests information respecting the artillery of the line and reserve, as well as the ammunition with which it will be supplied.	2. The total of the artillery will be:—Three pounders 8; six pounders 136; twelve pounders 32; howitzers 24; total 200. With respect to ammunition, he was assured that each field piece would be furnished with 200 cartridges, and each firelock with 120.
3. Information respecting relays for the conveyance of artillery and provisions, also respecting officers and baggage horses.	3. The train of artillery may be estimated generally for the first year at 3000 horses, and each regiment would be furnished with 255 horses for the conveyance of provisions.
4. Daily supply of rations of bread and fodder.	4. Generally speaking, it might be estimated at 66,000 rations of bread, and 19,480 rations for horses.
5. Amount of relays required for the present year.	5. As the army will have at the outset a sufficient supply of this nature, very small relays will be necessary, and no arbitrary requisitions will be permitted.
6. The day fixed for the army quitting its present quarters, what will be the number and strength of each column, on its entering Gallicia during the march towards the place of their destination, what rout and halting days have been determined on? the day fixed for their reaching the farther frontier of Austria, towards Bavaria, viz. the banks of the Inn.	6. The day on which the troops were to begin their march, was fixed for the 16th of August; on which day the first column will reach Brody. The number of the columns was fixed at six; each of about 9 or 10,000 men; and care will be taken that a due proportion of artillery and cavalry be attached to each column.
N. B. M. de Wintzingerode having delay-	Gen. Wintzingerode, in acknowledging

ed his departure from Vienna four days, the first Russian column will not move till the 20th of August, and consequently the other terms must vary accordingly. N. B. In case that the cross roads from Brünn to Krems should on examination be found too difficult, the army will take the rout from Brünn to Vienna, and thence along the high road to Lintz; and every possible exertion will be made to recover by forced marches the loss of time occasioned by this detour.	the necessity of accelerating the march of this body of troops by forced marches, added only one condition, that no one day's march should exceed 4 post miles, and that each 4th day should be a halting day; and the hereto annexed marche-route was accordingly agreed to.—According to this marche-route each Russian column will reach the Inn in about 2 months, and if each column arrives at Brody 2 days subsequent to the preceding one, the last, that is, the 6th column will reach the banks of the Inn on the 20th of October.
7. Asks that this first Russian army might, in case circumstances should require it, take a different line of march, either towards Italy, or to some other point of the frontiers of Germany. N. B. gen. Wintzingerode replied, that the commanding officer of this army would be directed to adopt any new line of march, which might be pointed out to him by his imp. and royal maj. himself, or by H. R. H. the archduke Charles.	7. Agreed to.
8. To determine the relations between the commanding officer of this army and the imperial and royal commander in chief, and to request that the instructions given to the commander of the Russian forces should be communicated to the Austrian commander in chief. N. B. gen. Wintzingerode flatters himself, that in the case of the absence or illness of his imp. and royal majesty, or of H. R. H. the archduke Charles, his imp. maj. of Russia would consent to place his army under the general direction of the Austrian commander in chief *pro tempore*, with this condition, nevertheless, that such Austrian commander in chief should be an archduke, and that all orders proceeding from him should be given in the name of his imp. and royal maj., or in that of H. R. H. the archduke Charles.	8. General Wintzingerode expressed his hopes that his imperial majesty would, for the advantage of the cause, place this Russian army under the general direction of the imperial and royal commander in chief as far as the unity and combination of operations may render it necessary: he did not, however, consider himself authorized to give this assurance, but on the supposition that the imperial and royal army acting in Germany would be under the command of his royal highness the archduke Charles, or his imperial and royal majesty in person.
9. To agree and determine on the manner, in which the combined armies shall reciprocally appoint a general plenipotentiary to reside at their respective head-quarters. The destination and influence of the same.	9. The appointment of generals plenip. is deemed necessary. Their object will be to maintain a good understanding between the two armies, to remove from among them every kind of mistrust and every thing which might interfere with their operations, and to inform the commanders in chief of the circumstances that take place in the armies to which they are appointed.
10. The arrangements taken by the Russian army to replace the artillery which may be disabled.	10. Gen. Wintzingerode suggested, that the remedy for this inconvenience should be provided for in the Austrian states. He was informed in answer, that every possible exertion would be made for that purpose; and that it was wished that at his

	return to St. Petersburgh, a general or a staff officer of the artillery should be sent to Vienna to concert measures on this subject with the Austrian department of artillery
11. On the mode of furnishing the Russian army with ammunition for their guns, and how the inconveniences are to be obviated respecting the difference of calibre.	11. These will be arranged in the way proposed in the former article,
12. What measures will be adopted for recruiting the Russian army in Germany,	12. Besides the garrison battalions which are stationed on the Russian frontier, the regiments whereof are to be completed, baron de Wintzingerode hopes that his imp. maj. will be disposed to establish in Germany, at some distance from the army, a corps de reserve, in the proportion of 8 or 10, to 100.

In addition to the twelve points above discussed, the Austrian generals were instructed to concert measures respecting the 2d army destined to act in Germany, as well as the body of Russians at Corfu, destined to be disembarked in Italy,—On the first article, gen. Wintzingerode declared, that he had no doubt but that his imp. maj. would give orders for this 2d army, which was stationed near Bryecz, to begin its march 5 days later than the other, so that on the 20th August it would pass near Therespol, on the frontiers of Austrian Gallicia: but, as this army, together with that on its right wing, which is destined to move forward from Lithuania towards the frontiers of Prussia, is intended, in the first instance, chiefly for the purpose of making demonstrations against Prussia, it becomes impossible to fix any thing more decisive, as to the line of its march, than that in the case of Prussia consenting thereto immediately, it should take the direction of Warsaw, thence to continue its march by Prussian Silesia into Bohemia, or Saxony; but in case this should not be practicable, it should proceed towards Pulawy. On this last supposition it becomes equally difficult to decide when this army will enter Germany and join the first Russian army: and gen. Wintzingerode can do no more than give his assurance, that his imperial master will endeavour (as soon as his relations with Prussia and Saxony will permit) to cause this second army to enter Germany, either by the direct road of Prussian Silesia, or by way of Dresden, (should this last step be rendered necessary by his relations with Saxony, to be regulated by a preliminary concert with Austria), or by way of Prague, in each of these two cases, however, this army will then direct its march to the left, towards the Danube; or perhaps in the whole, or in part, towards the Main, should circumstances require it.—With respect to the destination of this 2d army, a wish was expressed on the part of Austria, that the emperor of Russia, as soon as it shall have joined the right wing of the first army, would place the commanding officer of the same under the orders of the commanding officer of the first, in order that this last may be able to employ the forces of the other in the execution of any orders he may have received from the commander in chief of the Austrian army.—This determination becomes highly important from the consideration that this army, even should it be joined by a Prussian army, and by a considerable number of troops of the empire, will never be in a state to act offensively beyond the Rhine, from Basle to the lower Rhine, and particularly against Mentz.—For should even this body of troops become as numerous as is to be wished, the loss of one battle must be always considered as very possible, and the consequence of this might be the defeat or destruction of the whole army, without the possession of any means of defence beyond the Rhine, and having no other retreat than the bridges over the river. It were better on the other hand to consider the whole extent of country along the upper and lower Rhine as impregnable; and the whole united force of the two Russian armies and of the Austrain army will be better employed in the conquest of Switzerland, in the hopes of being able to penetrate through that country into France; and no other part of the second army, which is to form the right wing of the combined force need be employed on the lower Rhine than a corps of observation, to prevent any diversions that might be attempted by the enemy. The extent of these diversions must regulate the force of this corps of observation, which in general may consist of a *Corps Volant* of a few thousand men, for the purpose of guarding the river as far as Mentz, and the left bank of the Main; whilst the Russian and Prussian troops, together with those of their allies acting in lower Germany, in the first instance, against Hanover, and then against Holland, would have to observe the same plan with respect to the line between them and the right bank of the Main; so that these two corps volans shall assist and keep up a communication with one another. General Wintzingerode has declared that he has no doubt that his imperial majesty will fully accede to the whole of the above important proposition.—With respect to the Russian troops at Corfou, gen. Wintzingerode has had no instructions: but he is confident that it is the intention of his imperial majesty to land them in the kingdom of Naples, immediately after the commencement of hostilities, and that the count Razoumofsky has already been authorized to forward these orders, immediately on the application of the court of Vienna, to general Lascy, commander in chief at Corfou, who would communicate the same to the commander in chief of the 5000 English troops at Malta. That these troops were in constant readiness to embark, and that they would likewise be landed in the kingdom of Naples.—In pursuance of these sentiments of his imperial maj., it would be advisable that the count Razoumofsky should without loss of time, communicate such orders to general Lascy, in order that, as soon as he should receive from the Austrian general advices of the commencement of hostilities in the north of Italy, he should instantly embark his troops, land them in the kingdom of Naples, unite them to the Neapolitans and English, and begin to act offensively against the troops of the enemy stationed in that country.—General Wintzingerode added, that he would not fail to represent the several important reasons advanced on the part of Austria, for recommending that general Lascy should be ordered to pursue the enemy, on his retreat from lower Italy with the whole of the troops at his disposal, to endeavour to form a junction with the Austrian army, and as soon as that shall be effected, to assist, with the Russians, Neapolitans, and English under his orders, the operations of the grand Austrian army, according to the plan of the commander in chief.—After due consideration, it was on both sides deemed too hazardous to attempt a disembarkation from Corfou in the kingdom of Naples before the commencement of hostilities, as such a measure might interfere with the negociations for peace, and as the circumstance alone of a body of Russians being at Corfou, and a body of English troops at Malta, both in constant readiness to embark, is sufficient to detain the French army which is in the kingdom of Naples, and to prevent them making any detachment, to reinforce those in the north of Italy. The Austrian generals then discussed other points principally relating to economical arrangements, on which it was decided: 1. With respect to the subsistence of the first Russian army, Austria engages to supply it, from the 16th of Aug. inclusive, with bread, meat, and forage. But for the two first days subsequent to their passing the frontier, that is, the 16th and 17th of Aug. each column should provide itself with its necessaries from its present quarters; as no preliminary measures could be taken for this effect by Austria, without disclosing the secret: that, for the remainder of the march, arrangements will be made for supplying the troops and horses with whatever is necessary for their subsistence.—An office for the controul of theac counts is to be established at Vienna, from the day on which the troops shall enter Gallicia, at the expiration of each month; and it has been arranged that some person should be sent to Vienna, furnished on the part of Russia with full powers, who should remain there for this object; and that the expenses for each month shall be paid within the space of 3 months. 2. The arrangements for the maintenance of the second army, are agreed upon in the like manner. 3. As soon as the Russian army shall have entered Bavaria, they shall provide for their own subsistence. 4. It is agreed, that as soon as the two armies shall be on foreign territory, the requisitions for their subsistence shall be made and apportioned by the general direction for provisioning the army in Austria. All parts of the German empire belonging to the house of Austria, shall be exempted from Russian requisitions. 5. If in the case of reverses, the combined army should be necessitated to retreat into the hereditary dominions, Austria shall provide for the maintenance of the Russian troops, but the reimbursements shall be made every three months. 6. On the return of the Russian troops after the peace, they shall be maintained on the same principles. 7. At the request of gen. Wintzingerode, a promise is made to him, that 2 or 3 Austrian regiments of light horse shall be attached to the Russian army, to furnish the advanced posts; and that, if possible, some horse artillery would be added to them. This measure is deemed particularly requisite in the beginning of the campaign, while the Russians are ignorant of the language of the country. 8. The mutual surrender, from the 11th of next August, of the deserters of both armies, of whatever nation they may be, together with all their baggage, horses, &c. 9. The 4 regiments of dragoons attached to the first army, shall receive at Brünn, or at Lintz, a reimbursement of dragoon swords, to the amount of about 3000. It is moreover agreed, that all other objects which have not been discussed in this protocol, and which may hereafter require to be determined upon, shall be in all cases explained with a friendly confidence on both sides. Vienna, 16th July 1805. (Signed) Prince de SCHWARZENBERG. Baron de MACK. Baron de COLLEMBACH. Baron de WINTZINGERODE.

No. III. (D.) (Translation.) *Copy of a Dispatch from the Count de Razoumoffsky, dated at Vienna the 29th April* (11 *May*) 1805.

Since the creation of the council of war, I have this day to mention its first meeting, which, directed to other details than those of the administration, at length presents an object worthy of attention. The conferences took place in the presence of his majesty the emperor on Monday and Tuesday last. The committee was composed of the two archdukes Charles and John, the president and vice-president of the council, and quarter-master-general Mack. The question submitted to their deliberation turned on the prodigious increase of the French forces in Italy; on the imminent danger which thence resulted to the frontiers of the hereditary states; on the rapidity with which, from the first hostile determination of Bonaparte, they would be attacked; and on the absolute impossibility of resis tance. This situation was deliberately considered, and it was unanimously decided, even with the consent of the archduke Charles, that it was necessary to reinforce the troops in that quarter. This point being settled, the necessary details will be arranged in consequence; and I lose no time in forwarding to you the most important of their resolutions.

(Translation.) *Extract from a Memoir on the Situation of Affairs. Communicated by Count Starhemberg.*

Never were hopes, founded on the most salutary views and plans, destroyed by a more fatal blow, than the disastrous reverse which our army in Germany has experienced by a concourse of unfortunate circumstances, the consequence of a single fault.—The simultaneous co-operation of the two imperial courts of England and Prussia should have offered, at the commencement of the war, a chain of armed forces from the north to the south, and should have obliged France, by mutual diversions, to separate hers. It was our first misfortune, that none of the hopes we had placed in diversions on the north of the continent, which might have obliged the emperor of the French to divide the troops that he had withdrawn from his coasts, were realised; and not only all these troops were able to be employed against our army in Germany, but even the Gallo-Batavian army and that of Bernadotte could quit Holland and Hanover also, without impediment, to join in the attack. It is to this circumstance that the French troops which were opposed to ours, owe the superiority of their numbers; for, deducting these two armies, the troops arrived from the interior in the course of the month of Oct. have but little exceeded the number of Austrian troops placed on the Iller, where, in the strong position which they occupied, they would have been able to await the junction of the first army of his maj. the emperor of Russia. There was even a moment when they had the hope of preventing the junction of the French troops from the north with those arrived from the interior of France, by falling on a party of the latter; when, as a second misfortune, the violation of the Prussian neutrality suddenly changed the face of affairs and reduced our German army to the alternative, either to fall back immediately on the Inn, or see itself surrounded and destroyed. The retreat on the Inn should have prevented every disagreeable consequence. Joined to the body of the army under the general in chief de Kutusow, these troops would have been sufficient to resist the limited French forces; the subsequent arrival of the second Russian army, and, finally, the developement of other measures of the coalition, might have procured to the allied troops that superiority of force which had been absolutely depended on in the mutual engagements. Through the inconceivable fault of a general chosen for a reputation gained by former successes, the army of Germany remained on the Iller; and in the course of a few days, without having been beaten, after some slight actions in which it had rather the advantage than the disadvantage, the greater part of the army was taken, and the remainder dispersed. All the following misfortunes were the inevitable consequences of this disaster.—The united French forces in Germany alone exceeding, without the allied troops, 110 thousand men, advanced against the Austro-Russian troops posted on the Inn, which amounted to little more than the half of that number. To expose these troops to a regular combat against a force double their number, would have been to risk the ruin of them before the arrival of the second army of his maj. the emperor of Russia; it would have been to commit the same fault that had just lost our army of Germany. On the contrary, to preserve the first Russian army entire until the arrival of the second, became the principal object of the dispositions which were concerted by his maj. in person with the general in chief Kutusow.—To complete our disappointments, the arrival of the second Russian army was delayed more than a month by the first armaments which the court of Berlin threatened to oppose to those of the court of Petersburg. The troops therefore, under generals de Merfeldt and Kutusow, unable to maintain a position on the Inn or in any other part of Austria, were obliged to fall back upon Moravia. The inevitable consequence of this movement was the progressive advance of the enemy in upper and lower Austria. Having reached the last bridge on the Danube above Vienna, near Krems, the Russian army had no other alternative than to pass it, in order to avoid being cut off from the left bank and from the route into Moravia. From that moment the fate of the capital of Austria was decided, considering the impossibility of defending it within the walls, unless the time necessary for the arrival of reinforcements could be gained by means of an armistice for a very short period. Many reasons concurred to render his majesty desirous of saving his capital by such an armistice; he therefore determined to send lieutenant general count de Giulay to the emperor Napoleon to propose it. The negociation was without effect.—Vienna was occupied by the French; and his maj. thought, by the sacrifice of his capital, at least to have ensured to the first Russian army the facility of forming a junction with the second. To this effect he gave the most positive orders, that the great bridge in front of Vienna should be destroyed, whereby four or five days march would have been gained to the general in chief Kutusoff. Prince Murat, however, deceived the person to whom this charge was intrusted, by the unworthy falsehood that peace was just concluded between Austria and France, and he thus prevented the demolition of that bridge. This cruel incident exposed the first Russian army to the most imminent danger of being surrounded and destroyed, before it could join the army of general Buxhövden, as well as a corps of 10,000 Austrians that had retreated from Vienna. Had this misfortune happened, the continuation of the war would have been evidently impossible. The destruction of the first army of his maj. the emperor of Russia would have infallibly led to that of the second, and of every subsequent reinforcement, successively and separately attacked by the great forces which Napoleon had assembled in Austria; while the army commanded by his highness the archduke Charles in Italy, must also have been ruined by these forces united to those of Massena. In a word, the danger was so critical, that had there been no other means of preventing it, his maj. would have been obliged to sign a precipitate peace, unfavourable indeed to himself, but inevitable, from motives which would have been but too justifiable in the eyes of his allies. The impossibility of prolonging the war; the necessity of saving the existence of the monarchy; the general interests of Europe, and even of England; required him to insure the existence of the Austrian monarchy, rather than to continue a war from which nothing could be expected but an issue still more unfortunate. In short, the sacred duties by which his maj. was bound to his noble and faithful friend the emperor Alexander; duties which he shared with every well-disposed sovereign, and which imposed upon him the obligation of preferring every sacrifice to the destruction (as certain as it was useless) of the brave and well-appointed armies which Russia was pouring forth to his assistance.—In this extremity, his maj. did not hesitate to enter into new explanations with the emperor Napoleon, and to propose to open negociations with him for peace, as soon as measures to this effect might be concerted with the emperor Alexander, whom his maj. expected immediately to see in person.—But happily, these dangers and necessities are no more. Generals Kutusow and Buxhövden have surmounted the difficulties which threatened to prevent the seasonable junction of the forces under their command. The mission of the Austrian envoys has been accompanied with the resumption of active hostilities. On the 27th of November, the day after they quitted the camp, the combined armies concentrated in the environs of Olmuts, consisting of the first and second Russian armies, with a body of 20,000 Austrians, comprehending also for their rear guard the imperial life guards 10,000 strong, and making in all an effective strengh of 80,000 fighting men, advanced towards the enemy. On the 28th they had reached Wischaw, and had taken, in that city and its environs, more than 600 prisoners. On the 29th and 30th, they continued their march to Austerlitz, on the way to Nikolsprug.

(Translation.) *Austrian Declaration.*

The court of Vienna has no hesitation to comply with the request of the emperor of the French, for a categorical explanation of their intentions, and of the motives for which they are arming.—The court of Vienna have no other intentions than to preserve peace and the relations of amity with France, as well as the general tranquillity of the continent. They have no other wish than to be assured that the intentions of the emperor Napoleon correspond with theirs.—But the maintenance of peace between two powers does not merely consist in abstaining from positive hostilities: it consists, with equal importance, in the due execution of the treaties by which that peace is established. The power that violates those treaties in essential points, and which refuses to satisfy just claims, is as much the aggressor as if it attacked the other without a colour of justice.—The peace between Austria and France rests on the treaty of Luneville, one of the conditions of which treaty stipulates and guarantees the independence of the Italian republics, as well as of the Helvetian and Batavian republic, and ensures to them the liberty to choose their own government. Every attempt to force upon them the adoption of a government, a constitution, a master, otherwise than by their own free choice, and in a manner that shall interfere with their absolute political independence, is a violation of the treaty of Luneville; and Austria is entitled to claim and insist upon redress.—The wish to maintain a mutual amity, to allay every mistrust, and to preserve the public tranquillity from further danger, may, in the midst of critical and delicate circumstances, engage the complaining party to exercise a certain circumspection and moderation in requiring redress, and to put off the discussion to a future negociation; but his respect for friendship cannot make it his duty to disregard the conditions of treaties; and the power who, after having violated them, avoids every explanation, refuses to negociate, and menaces where she ought to conciliate, equally sets at defiance the laws of friendship and the sacred rights of peace. For the preservation of the public tranquillity, each state is bound to confine itself within its own limits, and to respect the rights and independence of other states, strong as well as weak. This tranquillity is endangered when one power arrogates to itself rights of occupation, of protection, of influence, countenanced neither by the law of nations, nor by treaties; when this power speaks of the rights of victory after the peace which has annihilated those rights; when she employs force and terror to dictate laws to her neighbours, to oblige them to assimilate their constitution to her own, or to wrest from them alliances, concessions, acts of submission and of incorporation; when she pretends that her dignity is offended by well-founded representations, whilst her own publications attack every sovereign in succession; finally, when she erects herself into the sole arbitress of the fate and of the common interests of Europe, and aims at excluding other powers from any share in the maintenance of the general tranquillity and equilibrium, some of them because they are too distant, others because an arm of the sea separates them from the continent; meeting the complaints of the powers nearest to the danger with evasive answers, with assembling troops upon their frontiers, with menaces of war, should they assume a posture of defence.—And this is then the power who provokes the other states to arm, to assist each other; and if necessary to unite for the preservation of their own, and the public safety.—Thus is it, that the armaments of the court of Vienna have been gradually called forth, as well by the armaments of France, as by the inefficiency of conciliatory measures, towards the sure maintenance of a real peace, and of future tranquillity.—All Europe has recognized the sincerity of the pacific dispositions of his maj. the emperor, in his exact fulfilment of the conditions of the treaty of Luneville, in his great condescension relative to the latitude assumed in opposition to his interests upon the execution of this treaty in Germany, in the moderation which he displayed in no less a degree, concerning the first deviations of the French republic from the same treaty, as applied to other states.—Attributing these deviations to the necessity of securing from all foreign interruption the developement of the plan formed for the re-establishment of the monarchical govt. in France, his maj. did not scruple to recognize the state of things established in Italy towards the end of the year 1802. Confidence in the views of the first consul, the engagements entered into by that person with respect to the new Italian republic, in relation to the temporary duration of his presidency, the public and solemn assurances which accompanied and followed his elevation to the imperial dignity, of his disinclination to all plans of aggrandizement, and to all attempts to disturb the independence of the Italian seats; in short, the subsisting engagements on his part, towards the sovereign of Russia, particularly relating to the compensations to be made to the king of Sardinia, and to a general arrangement of the affairs of Italy, all these motives have concurred to excite and to cherish in the mind of his maj. the hope that the consolidation of the new French empire would in a short time bring back the policy and the measures of their govt. to a standard compatible with the balance and the safety of Europe. And, when some time afterwards the first report of approaching alterations in the states of Lombardy, induced the ambassador of the court of Vienna at Paris to demand explanations upon this point, his maj. was still further confirmed in his hopes, by the official assurance given in the name of the emperor Napoleon, that the Italian republics should not be united to France, and that no innovation should be made, in any degree affecting their political independence. Europe must judge whether these assurances have been fulfilled. The emperor has not ceased to claim that fulfilment, as will be proved by the correspondence which follows between the two sovereigns, and the official and ostensible representations which the ambassador count Philip de Cobentzl was directed to make; and, though the letters by which the emperor Napoleon communicated to his maj. his project for the establishment of a kingdom of Italy were accompanied by threats and armaments; though every thing from that moment betrayed what the event has since proved, that the French emperor was decided to maintain his innovations by force, nevertheless his maj. has never recognized projects, which were daily announced to him as provisional and temporary arrangements. His maj. confined himself to repelling and refuting certain charges, which served as a pretext to justify the threats, and to making known his hopes, that the principle of separation and independence sanctioned by the treaty, would be maintained by the definitive arrangements, which the emperor Napoleon had declared were to depend upon future negotiations with the courts of Petersburg and London, at the epoch of the re-establishment of peace.—These negociations were indeed the only ground of hope which his maj. still preserved, of placing his conciliatory measures through the peace on a firm basis, and of restoring at length tranquillity to Europe, which was alarmed through every part from north to south by enterprises, the number and extent of which were every moment on the increase. His majesty the emperor of the French had made the first overture towards a reconciliation with the king of England, without, however, in any degree, relinquishing his intention of excluding that monarch from the right of interfering in the most important concerns of the continent.—This restriction, joined to the relations which existed between himself and the court of Petersburg, induced his Britannic maj. to have resource to the mediation of his maj. the emperor of Russia, who, notwithstanding the interruption of his official intercourse with France, did not hesitate to interpose his good offices, to send for that purpose a negociator, and to solicit his admission to the presence of the sovereign of France. But the hope founded upon all these pacific proceedings speedily vanished; fresh blows were struck, affecting the political existence of other independent states of Italy, at the moment when the French govt. were sending to the Russian negociator the passport demanded for his journey to France. The emperor Alexander from that time conceived himself obliged to consider his mediation as rejected. On the other side, the French armies were suddenly assembled in Italy, notwithstanding the promise of making no armament in that country; a camp of 30,000 men, collected in the plain of Marengo, was followed by another camp of 40,000, which was formed on the frontiers of the Tyrol, and of the Venetian provinces of Austria. His maj. then found himself compelled to provide effectually for his own safety. He then felt convinced, that the sentiments of peace, friendship, and moderation which he had professed, met with no such return on the part of the French emperor, as to allow him to neglect any longer the adoption of measures necessary for the defence of his rights and the maintenance of the dignity of his empire:—Such is the cause of his present armaments. But the same sentiments, which have created such an anxiety in his maj.'s mind to avoid putting these measures into execution, have likewise actuated him in fixing the object to which they are pointed.—The emperor arms with no hostile views. He does not arm to make a diversion for the expedition against England, which cannot be supposed to have been delayed during two years until the very moment when France had provoked Austria and Russia by aggressions in no way authorized by the war with Great Britain: he arms for the preservation of the peace which subsists between him and France, for the maintenance of the conditions of that peace, without which the peace would be illusory; to bring about an equitable arrangement to which the moderation of all the powers interested in it may contribute, and which is likely to ensure the equilibrium and permanent tranquillity of Europe.—The measures by which his majesty has invited the principal courts interested in the renewal of the negociations which have been broken off, were directed to this object. The unexpected refusal with which his interposition has been met by his maj. the emperor of the French, does not deter him from repeating it.—His maj. has been more fortunate with the emperor Alexander. This sovereign, who so gloriously fills a distinguished station among the powers of Europe, the equilibrium and welfare of which are the constant object of his cares, manifests, in the annexed answer which his maj. has just received, an equal desire to contribute to the conclusion of a just and moderate arrangement. He is equally convinced of the necessity of arming eventually, and is necessitated by that very distance, which is alledged, for the purpose of contesting the right and importance of his mediation, to advance a part of his armies, with a view to ensure to his intervention all the weight and efficiency worthy of so great a potentate.—To sum up the proofs of the sincerity of the two imperial courts of Austria and Russia, the following declaration is announced in their joint names: "That they are ready to negociate with the court of France for the maintenanee of the peace of the continent on the most moderate terms which are compatible with the general tranquillity and safety. That whatever should be the issue of the negociation, and should war become inevitable, they are mutually bound to each other, to abstain from every attempt to interfere in the internal affairs of France; to disclaim all thought of altering the state of property and connexions, as they are now legitimately established in the German empire, to propose no assumption of the rights and interests of the Ottoman porte; but that on the contrary, they are ready to defend to the utmost of their means the security and integrity of the Turkish dominions. Lastly, That Great Britain has made a profession of sentiments perfectly analogous to theirs, and of a disposition equally moderate for the re-establishment of peace with France."—His maj. hopes that the plain and liberal explanations which he has now made, will be well calculated to dissipate the doubts which might exist on the part of the emperor Napoleon, respecting the intentions and motives by which his maj. is guided; and every wish of his heart will be gratified if these explanations should contribute to prevent the misfortunes from which no endeavour of his has been wanting to save mankind.

(Translation.) *Answer of the French Government to the Declaration of Austria, dated Paris,* 13*th Aug.* 1805.

The undersigned having, at the close of the conversation he had the honour to hold with count Cobentzl, instantly transmitted to Boulougne the declaration communicated to him by his exc., has received the commands of the emperor and king, to give the following reply:—The emperor could not but be sensibly affected by the sentiments of moderation which are manifested in the declaration above mentioned, and by the friendly dispositions which incline his maj. the emperor of Germany and Austria to desire to hasten, by his intervention, the termination of those evils which war occasions to France. But, the more importance and estimation his majesty attaches to the good offices of his maj. the emperor of Germany and Austria, the more his gratitude for the intention with which they are offered, so much the more does he feel, that even gratitude forbids him to avail himself of them, while, by the nature of things, or by the circumstances of the case, it is impossible to hope that they should be employed with effect, or, consequently, without impairing, in some manner, the dignity of the mediating power. This consideration would be decisive with his majesty, though it were even possible for him to forget what return the courts of London and St. Petersburgh have recently made to the noblest and most generous steps he could take towards them.—M. de Novossilzoff was on his way to France with intentions not previously communicated to the emperor. The king of Prussia had asked passports for him, which were delivered immediately, and without explanation. What advantage has his maj. derived from this extreme deference? an offensive note, full of false assertions, has been the only result of a mission which the emperor neither called nor wished for.—Thus insulted in his honour, he can no longer desire nor expect any thing from Russia; which besides, far from wishing peace, founds her interest in war; and, upon the renewal of that, founds hopes, which she in vain attempts to dissemble, while her conduct, in every part, reveals the truth even to the most careless observation.—For a twelvemonth past, the emperor has received only insults from the Russian cabinet; his character and sentiments are too well known to leave it to be supposed that he will now subject himself to the renewal of those insults. It is for the emperor Alexander to judge, which may be the most to his satisfaction, to persevere in the system which suggestions from abroad have moved him to embrace, or to resume sentiments wiser, more moderate, and more just. It is more his own interest to return to such sentiments, than it is the interest of France to recall him to them. The change must be the fruit of his own reflections: it is not to be sought by negociation.—As to England, his maj. 8 months since, made pressing applications to engage her to peace, which Europe did not fail to estimate justly, and which would not have proved ineffectual, if England had reckoned on her own resources only. But, by the reply of the cabinet of St. James's, it became evident, that it would not think of peace till all hopes were lost of rekindling war upon the continent, for the purpose of making Italy and Germany a scene of blood and carnage. It is in this view, and in this view alone, that England has solicited the intervention of Russia. The cabinet of Vienna is too enlightened not to be sensible of this, even though the designs and motives of England had not been made known by the solicitations and offers of subsidies with which she has incessantly beset the court of Vienna, in order to engage the Austrian govt. again to take up arms.—It is not such a power that we can expect to persuade to relish the counsels of moderation and justice. It would be even vain to address her on the subject of her own true interests. Blind passions cause her to misapprehend them, the voice of persuasion could have no power over her. But, what the good offices of Austria could not obtain from England, Austria might have extorted. For this, she need not use either menaces or arms, but simply a plain upright conduct, that shall make England feel her insignificance.—England well knows, and has more than once declared, that Russia alone can give her no effectual assistance; and that without the co-operation of Prussia and Austria, no diversion would be of any use.—Prussia has declared that she will at no time, nor in any case, enter into any hostile design against France. Let the emperor of Austria make the same declaration, and the British cabinet, becoming sensible of their true interests in regard to which there will be no longer any illusion to deceive her, and yielding to the opinion of the most enlightened men in the country, will see the necessity of returning to the stipulations of the treaty of Amiens; and will be fortunate even in that necessity. Then the emperor of Germany will not only have acquired a right to the gratitude of the emperor of the French, but will also have done more for his own true interest, than if he had gained battles against France; for, an immediate consequence of the peace will be the execution of the engagement which his maj. the emperor of the French has come under, and which he now with pleasure renews, to separate the crowns of France and Italy.—If, on the contrary, Austria, by indecisive measures, leave opinion to fluctuate in doubt and uncertainty; if she thus give authority to the assertions of the English ministry, which says that she has been forced into a coalition; if she persist in maintaining 72,000 men in Italy; then the emperor cannot but think that she sees with secret joy a war that weakens France, and that she judges this to be a favourable moment for the renewal of hostilities, which must be unwelcome to the present generation.—His maj., who has not more than 50,000 men in Italy, and 15,000 of these at the extremity of the kingdom of Naples, seeing his most important frontier in danger, and being unable to cover it without drawing troops from his army of the ocean, cannot, in this case, regard Austria otherwise than as making a diversion in favour of England, not less effective, nor to him less prejudicial than if it were made by open war.—His exc. count Cobentzl cannot have failed to observe the grand and extraordinary character of the present crisis; circumstances like the present demand a corresponding energy of measures. This is a truth felt by all men, and with the sense of which his maj. is deeply penetrated. Frederic II. when he saw that his enemies were preparing for war against him, took care to prevent them; more than once the house of Austria has done as much. The emperor of the French now sees preparations in Poland and other preparations in Italy. The places where these are made indicate, both that they are the result of a combination, and against whom they are directed. The undersigned must therefore ask count Cobentzl, what the emperor of Germany would do if he stood in the situation of the emperor of the French?—However the emperor is willing to hope the best, for the future, which it depends on Austria to render happy for Europe; while he regards, as a presage of her discreet conduct, the sentiments which are expressed in the note received by the undersigned from count Cobentzl. Let Austria make the same declaration as Prussia; and let her confirm it, by reducing her troops, and every effective part of her army, to the peace establishment: let her cease to keep 72,000 men in Italy; let her again disperse in garrisons the regiments which are embodied in the Tyrol; let her cease from forming magazines, and from constructing field-fortifications, which evince that war is imminent: then nothing will remain to disturb the peace of the continent; that peace so desirable to all! For, if France have nothing to gain by a new contest, as little has Austria to gain by it: and a maritime peace must very soon follow, when Austria shall have declared that she remains, and is determined to remain neutral. Peace must then become the desire and hope of England. Before the month of January, such a peace will be concluded, and the treaty of Amiens will be re-established. The crowns of France and Italy will, then, be for ever separated. Europe, enjoying security and repose, will owe these blessings to the wisdom of Austria, which, by an opposite conduct, would have precipitated it into a state of things which neither the cabinet of the Thuilleries, nor that of Vienna, nor any other, can estimate or foresee.—His exc. count Cobentzl will feel, that in these communications which the undersigned has been commanded to make, it was impossible for his maj. to evince more remarkable frankness, greatness, or generosity of mind.—It is for the interests of Austria herself, and for the glory of her sovereign, that the emperor of the French desires that his maj. the emperor of Germany and Austria should avail himself of the opportunity which now offers. He has now in his hands both the destiny of his own dominions and that of Europe. In the one he holds troubles and the subversion of states; in the other a general peace: impartial neutrality will give him all that he desires for himself, and will enable him to ensure the peace of the world. The most effectual mediation that Austria can employ for a peace is, to observe the most perfect neutrality; not to arm, nor oblige France to make any diversion; not to allow to England any hope of engaging her in an offensive alliance.—The undersigned cannot doubt but his exc. count Cobentzl will duly appreciate the considerations explained in the present note, and will contribute, with his influence, to procure them to be regarded in their true light. (Signed) CH. MAU. TALLEYRAND.

(Translation.) *Note of C. M. Talleyrand, dated Paris, the 16th Aug.* 1805.

His maj. the emperor had yielded with so much the more confidence to the pacific and amicable protestations of Austria, as he was convinced that he might reckon on favourable sentiments on the part of that power. After the manner in which he has conducted himself towards her, after two wars in which the greatest part of the possessions of Austria had been conquered by his arms, wholly occupied by the war which England had waged against him, he hoped that giving no cause of complaint to Austria, Austria would maintain the most faithful and most impartial neutrality. But the movements of troops and other hostile dispositions which are evinced in the hereditary states, and at which Europe is uneasy and astonished, oblige his maj. the emperor to demand not only a categorical but also an immediate explanation.—The repeated intelligence which the emperor receives from all quarters, obliges him to suspend his projects against England. Thus Austria has done as much as if she had commenced hostilities; for which she has made in favour of England the most formidable diversion.—Austria is collecting an army in the Tyrol, whilst France has evacuated the whole of Switzerland. His exc. the count de Cobentzl knows very well that Austria has 72,000 men in Italy, where France has but 50,000; of which 15,000 are on the gulph of Tarentum; and it is this principally which has determined the emperor to suspend his projects. Austria is every where raising fortifications, as if war were declared, or unavoidable; all the troops of Austria are in motion; all have quitted their garrisons; all are marching in a direction which announces war. And how indeed could his maj. the emperor of Germany and of Austria assemble, with a pacific intention, so many regiments in such a country as the Tyrol; a country so barren and so poor, where he cannot maintain them without injuring his finances? Why should he form magazines? Why should he bake biscuits? Why should he put in requisition so many horses and waggons? It is the common law of Europe, that every power ought to consider the assembling of troops, the formation of magazines, the baking of biscuits, levies of horses for waggons, as a declaration of war; particularly when such preparations are made on the unguarded frontiers of a power elsewhere occupied on an opposite and distant frontier. His maj., who would wish to conciliate such dispositions with the expressions of peace of his maj. the emperor of Germany, in which he has always placed an entire confidence, cannot do so without supposing that that monarch is ignorant of the injury he does to France, and that the diversion which he has made is equivalent to real hostility. His maj. is pleased with the persuasion that he is indeed ignorant of it; but the natural consequences of such an error being no less injurious to France than measures decidedly hostile would be, his maj. is not less interested in preventing them.—Protestations will no longer restore his confidence: his maj. can admit of no intermediate state between those of war and peace. If Austria desires peace, every thing must be reduced to the peace establishment. If Austria desires war, nothing will remain but for his maj. to throw on the aggressor the odium of all the evils which he will draw down, not only on the present generation, but also (his maj. may say it with pride) on his own states and on his own family; for, his maj. flatters himself, that he shall obtain in a new war the same successes as in former wars; and that he shall place himself for the future, in security, against those diversions which are as it were a first step towards a coalition in favour of England.—The undersigned is therefore charged to demand, in the pleasing supposition that Austria is really desirous of peace: 1. That the 21 regiments which have been sent as well into the German Tyrol as into the Italian Tyrol, shall be withdrawn; and that no troops shall remain in either of these provinces but those which were there six months ago. 2. That the field works be suspended, not that the emperor expects that Austria shall not raise regular fortifications; the right of raising them belongs to every state, and prudence often makes it the duty of princes: but as Venice is certainly not a fortified town, the works which are actually carrying on there are merely field works. 3. That the troops which are in Styria, in Carinthia, in Carniola, in Frioul, and in the Venetian territory, be reduced to the number they were six months ago. And lastly, that Austria shall declare her firm and constant resolution to preserve a strict and scrupulous neutrality, without taking part in the present differences; since it is the duty of Austria, if she wishes to preserve neutrality, to do nothing directly or indirectly in favour of England.—The undersigned is at the same time charged to declare to his exc. the count de Cobentzl, or rather to repeat to him, the declaration already so frequently made, tha the dearest object of his maj. the emperor of the French, is the continuation of peace with the emperor of Germany. That in taking those measures to which he may be driven, as well by a positive refusal, as by an evasive and tardy reply to the demands which the undersigned has been charged to make, his maj. would do it with regret. But that in a situation similar to his, the prince Charles would not hesitate, that prince being too good a soldier not to conduct himself in the same manner, and that being obliged to repel force by force, he will not commit the error of waiting for the Russians to form a junction with the Austrians against him.—His exc. the count de Cobentzl knows too well that the present circumstances are too serious and too urgent for the undersigned to be under the necessity of requesting him to accelerate, as much as lies in his power, the answer which his maj. awaits with an impatience which is to be justified on so many reasons. The undersigned takes this opportunity, &c. (Signed) CH. MAU. TALLEYRAND.

(Translation.) *Proclamation of the Emperor of Germany, dated Brünn, 13th Nov.* 1805.

His maj. the emperor has never had any other desire than that of maintaining peace. This desire existed in the principles of his govt., as it now exists in his heart. Far from having any project whatever tending to aggrandize or to indemnify himself for the sacrifices which he has made to the repose of Europe at Luneville and at Ratisbon, his maj. required nothing more than to see the emperor of France, animated with the same spirit of an enlightened and sound policy, retire within the limits which had been fixed by the treaty of Luneville.—All who are truly interested in the fate of Europe, must feel the justice and moderation of these views. True to the same principles, his maj. in the midst of the present war, has ever been ready to stretch forth his hand for peace; nor would he have acted otherwise, after the most brilliant victories, than he now does while under the influence of unhappy events.—His maj. indeed flattered himself that the great and favourable moment of this reconciliation, and of the return of public prosperity, could not be far distant, as the emperor of France had, on different occasions, professed similar sentiments, and had spoken precisely in the same tone to the Austrian generals whom the fate of war had made his prisoners.—Inspired with confidence by such dispositions, and pressed by a desire to divert from Vienna, a capital so dear to him, the danger which threatened it, and in general from his faithful subjects, the calamities of a prolonged war, his maj. sent gen. count de Guilay to the head quarters of the emperor of the French, in order to obtain in his name and that of his allies, a confirmation of these pacific dispositions, and to receive any overtures more explicit, which the emperor Napoleon might be disposed to make on this occasion, and to negociate a truce in order to prepare the general negociations for peace. —But the hope of his maj. has been frustrated; the emperor of France demanded as the basis of an armistice concluded only for a few weeks, "that the allied troops "should return to their native country, of "that the insurrection in Hungary should "be put an end to, and that the country "Venice and the Tyrol should be provi"sionally given up to the French armies." —Europe will be sensible of the contrast between these conditions and the former language of the emperor of France! His maj. had by this first step fulfilled a sacred duty and had afforded relief to his mind.—But it would expose the honour of his monarchy, the dignity of his house, the glory of the good and great people he governs, in short the supreme interest of the state; it would expose them in the eyes of his contemporaries and of posterity, if, guided by the exclusive sense of the distressing though transient crisis of the moment, and forgetting his sacred obligation to preserve the existence of the monarchy, he could agree to accept such preliminary conditions as would give a fatal blow to it, and break the ties of all the powers in amity with him.—His maj. wished for peace, and he wishes for it still with sincerity and faith; but he never can nor will consent to see himself reduced to a situation, without any means of defence, and in which both himself and his people would be absolutely abandoned to the will of a most powerful enemy.—Under these circumstances, it only rests with his maj. to trust himself to the powerful resources which are to be found in the hearts, in the prosperity, in the fidelity, and the exertion of his people, to rely upon the power, yet untouched, of his great allies and friends the emperor of Russia and the king of Prussia, and to persevere in that close union, until the emperor of France, with that moderation which is the fairest laurel in the crown of a great sovereign, shall consent to conditions of peace which shall not require the sacrifice of the national honour and the independence of a great state. By the express command of his imperial and royal maj. (Signed) JOSEPH BARON DE SUMMERAU.

THE TWELFTH REPORT OF THE COMMISSIONERS OF NAVAL ENQUIRY.—ORDERED TO BE PRINTED, 22d JANUARY, 1806.

PURCHASES OF HEMP, MASTS, AND FIR TIMBER, ON COMMISSION, BY MR. ANDREW LINDEGREN, FOR THE SERVICE OF HIS MAJESTY'S NAVY; FROM 1795 TO 1799. — TRANSFER OF CONTRACTS. — AND ALSO, OBSERVATIONS, BY WAY OF SUPPLEMENT TO THE FIRST REPORT OF THE COMMISSIONERS OF NAVAL ENQUIRY, ON THE MEMORIAL OF THE PRINCIPAL OFFICERS AND COMMISSIONERS OF HIS MAJESTY'S NAVY, IN ANSWER TO THAT REPORT.

The Twelfth Report of the Commissioners appointed by an act of the 43d Year of His Majesty's Reign, intituled,—"An "Act for appointing Commissioners to "enquire and examine into any Irregu-"larities, Frauds, or Abuses, which are "or have been practised by Persons "employed in the several Naval De-"partments therein mentioned, and in "the Business of Prize Agency, and to "report such Observations as shall occur "to them for preventing such Irregu-"larities, Frauds, and Abuses, and for "the better conducting and managing "the Business of the said Departments, "and of Prize Agency, in future;" continued and amended by an Act of the 45th year of the present King, chapter the 46th.

PURCHASES OF HEMP, MASTS, AND FIR TIMBER, ON COMMISSION, BY MR. ANDREW LINDEGREN, FOR THE SERVICE OF HIS MAJESTY'S NAVY; FROM 1795 TO 1799.

IN our Ninth Report on the subject of the receipt and issue of stores in his majesty's Dock Yard at Plymouth, we stated, (see vol. III. p. 1120) on the authority of the evidence of the clerk of the rope yard and master rope-maker, that much of the Hemp delivered there by persons employed by the navy board, during the late war, to purchase that article on commission, was damaged, and of so inferior a quality, that it would not have been received from contractors. The evidence on which this assertion was made, is contained in the Appendix to that report; and we found this opinion of the officers was communicated to the navy board in their official reports upon the quality of the Hemp at the time of its receipt.—As the measure of obtaining Naval Stores by means of commission-agents appeared liable to abuse, which, from the evidence and reports of the officers, there was reason to believe had been practised, we were led to a minute investigation of this business. The consideration of the present subject naturally divides itself into two parts, namely, the advantage of the measure itself, and the manner in which it has been executed. The great objections to the procuring of Naval Stores by means of commission agents, are, the want of that active and vigilant superintendance which nothing but self-interest will in general excite, and the necessity of placing much confidence in the agents employed. The accounts of such transactions must be voluminous and intricate, and require for their accurate settlement a particular knowledge of mercantile affairs, which is not called for in the common routine of public business; whereas the accounts attending the payment for articles supplied by contract, are simple, and easily controlled.—All contracts made for Naval Stores provide, that the articles shall be good, sound, merchantable, well-conditioned, and in all respects fitting for the service of his majesty's navy; and the right of determining whether they are so, is with the officers of the Dock Yards; so that the public, provided the officers do their duty, are certain of receiving for the prices at which the contracts may be made, such articles only as are fit for the service. But when the stores are purchased on commission, the public must rely wholly on the ability and integrity of the agent for the quality of the articles, which, being paid for in the foreign market, must of course be received on their arrival in this country, whether fit or unfit for the service. The cost of such as may be fit is consequently enhanced by the inferior value or depreciation of such as may be of bad quality, or damaged on the voyage.—The contracts with the navy board are generally made by public advertisement, and the lowest tender is accepted, provided the person offering it be judged equal to the performance of the contract. By these means public competition is excited, and, provided there be no collusion among the persons tendering, it is fair to conclude that the article will be obtained at as small a profit to the contractor as it is just and reasonable should be allowed.—From these considerations, we are of opinion, that, as a general principle, it is more advantageous to the public to obtain their supplies of Naval Stores by public contract, than by means of commission-agents. In delivering this opinion, we do not mean to intimate, that in some instances the latter mode may not be highly advantageous, or even rendered absolutely necessary from motives of state policy: and it appears, that considerations of this nature led to its adoption in the late war.—On the 6th of Jan. 1795, the first lord of the admiralty instructed the comptroller of the navy to send an able and confidential person to Riga, to purchase as much Hemp as he could agree for on proper terms; which instructions appear to have been given in consequence of information which govt. had received, that the French were buying up large quantities of Hemp at that place. His lordship appears to have entertained hopes, that by this measure his majesty's Stores would not only be furnished with Hemp of a better quality, but that the supply of the enemy would be forestalled.—The person selected by the comptroller of the navy for the performance of this service, was Mr. Andrew Lindegren of Portsmouth. The authority given to him by the comptroller, dated the 9th of Jan. 1795, is not in conformity with the written instructions of the first lord of the admiralty; but it is stated by the comptroller, that he also received verbal directions from the first lord of the admiralty, and that the instructions given by him to Mr. Lindegren were the result of various conversations with his lordship. Mr. Lindegren was required by his instruction to proceed without loss of time to Riga, and authorized to purchase from 3 to 4000 tons of the best Hemp upon the most reasonable terms in his power. He was directed to use his best endeavours to prevent any supply of Riga Hemp from going to France; and if it could not be procured from the superiority of the credit of this country, or by any other means that might occur to him on the spot, he was at liberty to give an advance upon the price which the enemy might have agreed for, taking care to have proper vouchers for such transaction. In case he should meet with any masts of the size of 20 inches and upwards at Riga, which he might have reason to believe were going to the enemy, he was to prevent their receiving such supply by the means above pointed out, or any other not then foreseen. In the event of any thing happening to delay him on his journey to Russia, he was to use such means by his correspondents on the Continent as might prevent any disappointment in procuring the quantity of Hemp from Riga above-mentioned; and if it should appear to him, upon his arrival there, that such a quantity could not be obtained, he was at liberty to make it up with the best Petersburgh Hemp, not exceeding from 5 to 600 tons. For the due execution of this service he was to be allowed his travelling expences, and a commission of 5 per cent. on all the purchases he should make for govt. And, as it was judged absolutely necessary that there should be an established Russia merchant in London, appointed to transact the business of that country, he was authorized to engage Messrs. Godfrey Thornton and son for that purpose; who were to be paid a reasonable commission for their trouble, and be furnished with Navy bills upon imprest, whenever the purchases made should require them.—On the 27th of Feb. 1805, Mr. Lindegren and Messrs. Godfrey Thornton and son entered into articles of agreement, witnessed by the comptroller of the Navy, by which it was stipulated that Messrs. Godfrey Thornton and son, as attorneys for Mr. Lindegren, should be furnished with such sums of money in Navy Imprest bills, as they might from time to time apply for; that the accounts relating to all matters transacted by them, as agents for Mr. Lindegren, should be furnished to him; and that, for their trouble in transacting the business of freighting ships, making insurances, corresponding, keeping accounts, and furnishing the requisite credits, they should have a clear allowance of 2½ per cent. as a commission, to be charged at the foot of every invoice of stores provided by Mr. Lindegren, and delivered into his maj.'s Dock Yards; such invoices to contain the amount of the prime cost, and all the charges and expences of every kind. Under this commission Mr. Lindegren made considerable purchases both of Hemp and Masts. He was also employed for the same purpose in each year, until the termination of the war.—In detailing the result of our enquiries, we shall, for the sake of greater clearness, speak of the purchases of Hemp and Masts separately.

PURCHASES OF HEMP.

At an early period of our enquiry, we issued our precept to the navy board for Mr. Lindegren's Accounts of the purchase of Hemp, together with the vouchers, and the official statements made of his accounts. The accounts and statements were in consequence transmitted to us: but we were informed that some of the vouchers were missing, which it afterwards appeared had been returned to Messrs. Godfrey Thornton and son, subsequently to the passing of the accounts. At the requisition of the navy board, Messrs. Thorntons caused search to be made for the vouchers, which were mostly discovered, and forwarded to us; but as some of the accounts current between the different parties concerned in the payment for the Hemp could not be found, by which the rates of exchange at which the bills were drawn, could have been ascertained, we were unable to give the accounts that complete revision which we intended.

Mr. Lindegren purchased Hemp under commissions from the navy board, in the years 1795, 6, 7, and 9. Mr. Lindegren was also employed in the years 1800 and 1801, to make purchases of Hemp, through neutral merchants, in consequence of the embargo in Russia; but as his accounts for such purchases were under examination by the navy board, we did not extend our enquiries to those transactions.—The first statement made by the navy board of Mr. Lindegren's accounts, is of the purchases effected by him under the commission of the 9th of Jan. 1795, amounting to 439,934*l.* 1*s.* 9*d.* By virtue of the specific authority in that commission to purchase from 3 to 4,000 tons of Riga Hemp, Mr. Lindegren purchased, and delivered at his majesty's yards, 4,160 tons 13 cwt. 3 qrs. and 4lbs. The cost to the public, upon an average of the whole quantity, was 56*l.* 1*s.* 2*d.* per ton. The commissions charged on the purchase and delivery of this Hemp into his majesty's yards, were as follow; 5 per cent. by Mr. Lindegren, on the amount of the first cost and charges at Riga 8,549*l.* 3*s.* 9*d.* Two and a half per cent. by Messrs. G. Thornton and son, on the amount of the first cost, and all the charges, except Mr. Lindegren's commission 5,344*l.* 2*s.* 6*d.* These commissions were in conformity to the agreements entered into with Mr. Lindegren and Messrs. G. Thornton and son; but there was, in addition to Mr. Lindegren's commission on the purchase, a further charge on that account of 2 per cent. made in each invoice by Messrs. Thorley, Morison, and co. of Riga, the house through whom Mr. Lindegren made his purchases 3,252*l.* 11*s.* 9*d.* The amount of these commissions, being 17,245*l.* 18*s.* 9*d.* appearing to us exorbitant, we examined Thomson Bonar, Anthony Brough, and George Tood, esqrs., Russia Merchants, from whom we obtained much general information as to the mode of conducting the trade both in Russia and this country.—From the evidence of these gentlemen we learned, that it is the general practice at Riga and Petersburgh for the merchants shipping Hemp, to charge a commission of 2 per cent. at the former, and 3 per cent. at the latter place, for their trouble in making the purchase and shipping the article, and that an agent sent to those places must employ a resident merchant, or make his purchases under very great disadvantages.—With respect to the rate of commission usually charged by merchants in this country for procuring Hemp from Riga, and managing the whole business attending the importation, it was stated to us by Mr. Bonar and Mr. Brough, that the usual commission charged in such cases was 2 per cent. and it was further stated by Mr. Bonar, that his house under the former firm of Thompson and Peters, had imported Hemp by commission from the navy-board in the year 1782, upon which they charged 2 per cent. on the amount of the invoice from Riga, and on the duty, freight, and charges paid upon it in England, and 1 third per cent. on the insurances. In consequence of this information, we called upon the navy board for an account of the rates of commission granted to persons employed by them to purchase Naval Stores during the American war. The following is a statement of the purchases of Hemp so made, and the rates of commission that were allowed. Here follows the statement, by which it appears, that in the years 1778 and 1781 the rate of commission allowed, both abroad and at home, was 2 per cent.]—It is stated by Mr. Bonar, if his house had been employed by the navy board, during the late war, to purchase Hemp at Riga, that he would have charged the same rate of commission as had been done by his former partners; and by Mr. Brough, that he would have executed the commission on similar terms. The charge abroad would have been 2 per cent. the same as was allowed on the purchases effected by Mr. Lindegren.—As the rates of commission on this transaction exceeded by 5½ per cent. what would have been allowed, if the Hemp had been procured by means of established merchants in the Russia trade, agreeably to the former practice of the navy board, we endeavoured to ascertain, whether any advantages resulted from the sending of an agent, to compensate for this additional expence.—That the purchase of the 4000 tons might have been as well effected without the employment of Mr. Lindegren, is apparent from his conduct under this commission. It appears that one of the first steps taken by him after his appointment was, to employ Mr. John Morison, a partner in the house of Thorley, Morison, and co., of Riga, under an agreement, that he should be allowed the same commission as was charged by other merchants of the place. Mr. Morison was at that time in England, and was introduced to Mr Lindegren by Messrs. G. Thornton and son, with whom he had been largely connected in business since the year 1788.—Mr. Morison received directions from Mr. Lindegren to purchase on his account, for the service of the navy, from 3 to 4000 tons of Hemp, and was authorized by Messrs. G. Thornton and son to draw upon them for the amount; in consequence of which he immediately set out for Riga, and arrived there in the latter end of Feb. or beginning of March. Mr. Lindegren did not take his passsge in the same packet, but in the succeeding one; he arrived at Hamburgh on the 19th of March, and at Riga about the latter end of April or beginning of May, at which time Mr. Morison had purchased or contracted for the whole or greater part of the 4000 tons of Hemp, the quantity which Mr. Lindegren was specifically authorized to purchase by his instructions. It is evident, as far as regards this quantity, that, if the order had been given in the first instance to Messrs. G. Thornton and son, and conveyed by them to Mr. Morison, this Hemp might have been obtained as advantageously, and without the allowance of a commission of 5 per cent. to Mr. Lindegren, which amounted upon this purchase to 8,549*l*. 3*s*. 9*d*.—It is hardly necessary to adduce evidence in proof of the assertion, that the employing of an agent to make considerable purchases in a foreign market, where the articles are usually procured by means of the resident merchants, will be likely to alarm that market by the appearance of an unusual demand, and consequently to increase the prices of the articles which the agent may be authorized to purchase. The evidence of the merchants whom we examined, is in support of that opinion; and it is stated by Mr. Halliday, that he believes the price of Hemp was actually enhanced by the appearance of Mr. Lindegren at Riga.—It seems the Comptroller was in hopes, as Messrs. G. Thornton and son were engaged confidentially to manage the transaction in England, and as the bills in payment for the Hemp were to be drawn upon them, that Mr. Lindegren would be considered abroad as their agent, and not as an agent of govt. But it was hardly to be expected, that the real object of Mr. Lindegren's journey could be kept secret, or indeed that the merchants at Riga could conceive that a house in London, with established correspondents abroad, would send an agent to make purchases on their account.—It is stated by the Comptroller, that the circumstance which led to the sending of Mr. Lindegren to Riga, was the information which govt. had received, that the enemy were taking measures to buy up large quantities of Naval Stores, to effect which they had at that time an agent at Riga; and as it was understood that they had nearly exhausted their stores at Brest, in their endeavours to fit out their fleet after the action of 1st June 1794, it became a great object to interrupt their supplies.—We are ready to admit the importance of this object: but we do not perceive that any advantage was obtained by sending an agent abroad, beyond what might have been expected from the employment of an established house in London, whose correspondent at Riga might have performed every service which could have been required from an agent.—It is likewise stated by the Comptroller, that considerable advantage was expected to be derived from having an agent on the spot during the shipping season, to give information of the vessels which might load with Naval Stores on account of the French govt. This service is not mentioned in the instructions which were given to Mr. Lindegren; but directions on this head were communicated to him by the Comptroller verbally; and it appears, that Mr. Lindegren did frequently, in the course of 1795, transmit lists of ships loading at Riga on account of the enemy; but we are of opinion, that even this service might have been better performed by a resident merchant, who, from having a general knowledge of the persons engaged in business, and their connexions, would have been much more likely to have obtained such information than a person altogether unacquainted with the parties.—The hope of forestalling the supply of the enemy, appears certainly to have been a principal object with the first lord of the admiralty, in giving authority to the comptroller of the navy to send an agent to Riga to purchase Hemp: and, with this view, his lordship did not impose any restriction as to the extent of the purchases, so far as the same could be made on proper terms. The Comptroller, in his instructions, confined Mr. Lindegren in the first instance to the purchase of from 3 to 4,000 tons, but gave him unlimited authority to prevent any supply of Riga Hemp from going to France; and, if all other means failed, he was authorized to give an advance upon the price which the enemy might have agreed for.—The best means, in our judgement, of attempting to prevent the supply of the enemy, would have been by buying up all the Hemp in the market, and afterwards endeavouring by an advance of price, to induce those who had purchased on account of the French govt., to part with the Hemp in their hands, or contracted for by them.—It therefore appears to have been extremely impolitic to impose a restriction on the extent of Mr. Lindegren's purchases in the market, and at the same time to give him such unlimited authority as to the procuring of Hemp at an advanced price from the agents of the French govt. What advantage could possibly be derived from purchasing Hemp out of the hands of the French agents at advanced prices, if the market was left open to them to make fresh purchases at inferior prices? and yet this was the system pursued; and to such an extent was the inconsistency carried, that when Mr. Lindegren informed the navy board that the French were making great exertions to procure a supply of Hemp from Riga, which had determined him not to let a single parcel on the market slip through his hands, they directed him not to purchase any more Hemp, "unless it had been previously purchased "for the enemy, and was actually shipping or shipped for their account."—We believe that the intelligence which had been communicated to govt. respecting the French making large purchases of Hemp at Riga in 1795, had been much exaggerated, as well from the information which we received on this subject, as from the facility with which the purchase of the first 4000 tons was completed.—Mr. Lindegren, under the authority given to him to prevent any supply of Riga Hemp from going to France, purchased 2,902 tons 10cwt. 1qr. 18lbs., which were said to have been obtained out of the hands of agents of the French government.—The cost of this Hemp to the public, on an average of the whole quantity, was *60l. 19s. 6d.* Of the above quantity, about 1,200 tons were obtained from Messrs. Miln and Halliday of Riga, who were employed to purchase Hemp in the year 1795, by Messrs. Selby and co. of Copenhagen; which latter house appears to have acted under authority from the French govt.—Mr. Halliday stated to us, that the reason which induced his house to part with any of the Hemp, which had been purchased on account of Messrs. Selby and co., was their not being able to obtain payment for the whole by confirmed credits; that they, in consequence, determined to ship for Messrs. Selby and co. only such quantity as they had been paid for, and to resell the remainder.—It appears further that the purchase was not managed by Mr. Lindegren, but by Mr. Morison, and that the 1,200 tons, sold by Messrs. Miln and Halliday, consisted, not merely of what they had purchased on account of Messrs. Selby and co., but also of some Hemp belonging to themselves and to their correspondents.—Messrs. Miln and Halliday did not make any charge of commission in the invoices; and it is stated by Mr. Halliday, that it is not customary to make such charge upon goods resold in the country.—Mr. Lindegren was unable to name any person, from whom any part of the remaining 1700 tons was procured. The invoices, which were all made out by Messrs. Thorley, Morison and co., state the Hemp to have been sold by them to Mr. Lindegren, and each invoice contains a charge of commission at the rate of 2 per cent. It seems therefore from these circumstances, as well as from the tenor of Mr. Lindegren's correspondence with the navy board, that this quantity, instead of having been obtained out of the hands of agents of the French govt., was purchased in the market, upon the ground that it would otherwise be bought up for the supply of the enemy.—It was upon this ground alone, that Mr. Lindegren could extend his purchases beyond the 4,000 tons specifically mentioned in his instructions, and his conduct in this particular seems to have excited the jealousy of the navy board, by their directing him on the 8th of July 1795, not to purchase any more Hemp unless it had been previously purchased for the enemy, and was actually shipping or shipped on their account: and on Mr. Lindegren's stating in reply, that when he was certain any parcel of Hemp was to be sold to the enemy, and was as surely to be shipped for France or Holland as if it was actually on board, he trusted the navy-board would see the necessity of his securing it, they informed him, that they hoped he would adhere strictly to the general instructions he had received from them on that subject.—Notwithstanding this appearance of suspicion, and the clause in Mr. Lindegren's instructions, by which he was authorized to use his best endeavours to prevent any supply of Riga Hemp from going to France, required that he should produce proper vouchers for such a transaction, yet the navy-board, on passing his account, did not require any particular vouchers for the purchases said to be made from French agents. The commissions charged on the purchase of this quantity of Hemp were, 2½ per cent. by Mr. Lindegren on the amount of the first cost and charges at Riga, 3,583*l.* 12*s.* 3*d.* 1½ per cent by Messrs. G. Thornton and son, on the amount of the first cost and all the charges, except Mr. Lindegren's commission, 2,658*l.* 13*s.* 5*d.* 2 per cent. on the amount of the purchase, at Riga charged in each invoice by Messrs. Thorley, Morison and co. on such part as was not procured from Messrs. Miln and Halliday, 1,826*l.* 8*s.* 10*d.* These rates of commission are considerably less than those authorized by the original agreements with Mr. Lindegren and Messrs. G. Thornton and son, and which were allowed on the purchase of the 4,000 tons; but they are still considerably greater than would have been charged by the first houses in the Russia trade for the performance of the same business.—The rates of commission to Mr. Lindegren and Messrs. G. Thornton and son were, in the first instance, fixed by the comptroller of the navy, and were afterwards reduced to the rates last specified, by the navy board, upon the circumstances of Mr. Lindegren's employment being communicated to them.—Various reasons are assigned by the comptroller for such parts of this transaction as were managed exclusively by himself. He states, that he fixed on Mr. Lindegren, because, from the line of business in which he had for many years been engaged, as agent at Portsmouth to the contractors for Naval Stores to superintend the deliveries made at that yard, he conceived him to be perfectly acquainted with all sorts of Naval Stores which might be an object to the enemy as well as to his maj.'s fleet; and that he was besides well acquainted with mercantile business abroad. With respect to the rates of commission, he states, that sir John Henslow, one of the surveyors of the navy, was present at his first interview with Mr. Lindegren; that Mr. Lindegren demurred to going abroad, as the business in which he was engaged at Portsmouth was at that time very considerable, and that therefore, if he left it, he should expect a handsome commission to make it worth his while. From these circumstances, and in consideration of the trust that must be reposed in him, they deemed it right to offer him a commission of five per cent. upon the amount of his purchases, and his travelling expences, on which terms he undertook to execute the business.—Sir J. Henslow cannot properly be considered a party to this agreement. He had no time given to him either to make enquiries as to what might be a reasonable compensation for the execution of the business which Mr. Lindegren was called upon to perform, nor to search the official papers for information as to the rates of commission which had formerly been allowed; the first intimation of the business which he had, was by a note from the comptroller, on the very day he was to meet and settle with Mr. Lindegren.—As a further justification of the high rate of commission allowed Mr. Lindegren, it is stated by the comptroller, that at the time of the agreement, it was not expected that Mr. Lindegren would be able to make any large purchases; and therefore it was necessary that his emolument should be adequate to the sacrifices which he must make. Allowing this consideration to be just, still the interest of the public should also have been attended to. The sum, which it might be necessary to insure to Mr. Lindegren to induce him to go abroad might have been fixed, and a stipulation made, that if his commission exceeded that sum, the rate should be reduced.—It does not appear that the comptroller, previously to his entering into the agreement with Mr. Lindegren, took any steps to ascertain whether the business could be effected on terms more advantageous to the public: he says, that Mr. Lindegren was the person who first occurred to him; and when he found he would undertake it, he believed government could not be better served. He however states, that he did not at the time know that an agent, sent from this country to Riga, must employ a resident merchant, or effect his purchases under great disadvantages; but conceived that a person on the spot might make his purchases wherever he found it most advantageous: that he intended Mr. Lindegren should himself buy the Hemp at Riga, and that his commission of 5 per cent. should be the only expense attendant thereon.—The commission of 2½ per cent. which was agreed to be given to Messrs. G. Thornton and son, for managing the whole of the business in England, was settled between the comptroller and Mr. Thornton, the allowance proposed by the comptroller was 1 per cent.; but, upon Mr. Thornton's objecting to engage in the business under a commission of 2 per cent. that rate was agreed to.—The comptroller acknowledges, that at the time of his agreeing to allow this rate of commission to Messrs. G. Thornton and son, he was acquainted with what had been allowed by the navy board to Messrs. Thompson, Peters, and co., in the American war, and was aware, that for the allowance of 2 per cent. they had ordered the article, as well as performed all the business which was expected from Mr. G. Thornton. He however did not apply to Messrs. Thompson, Peters, and co., or to any other house, to know whether they would transact the business for 2 per cent.; but states, that "after having once mentioned the circumstance to Mr. Thornton, he thought it advisable to keep the matter as private as possible;" and that he placed such a reliance on the character and integrity of Mr. Thornton, that he believed he would not take any advantage of govt., when called upon to execute a confidential trust.—This attention to secrecy, as to the object of the commission, and the desire of employing a house of credit, were certainly proper; but we apprehend that enquiries might have been made, leading to a competent judgement of the terms on which the business might be transacted, without fully disclosing the object; and though the house of Messrs. Thornton and son be highly respectable, yet there were others in the Russia trade worthy of trust, who should have been preferred, if they would have performed the same service on terms more advantageous for the public.—In June 1795, when it became necessary to advance money to Messrs. G. Thornton and son, all the circumstances of the transaction were communicated by the comptroller to the navy board, who, deeming the rates of commission given to Mr. Lindegren and Mr. G. Thornton too high, immediately reduced them. They consented to allow the commissions agreed upon on the purchase of the specific quantity of 4,000 tons, and to repay Mr. Lindegren his travelling expenses; but they informed these parties, that on all purchases made over and above that quantity, the former would be allowed only 2½, and the latter 1½ per cent. as an equivalent for their trouble. No charge has however been made by Mr. Lindegren for his travelling expenses.—In fixing these rates of commission, which together amount to 4 per cent. the navy-board were probably guided by the precedent established in the American war; as we believe it was at that time understood by them, that Mr. Lindegren did himself make the purchases abroad, and that no other expense was to be incurred on that account. But, as we have before observed, Mr. Lindegren employed an established house at Riga for that purpose, who charged a commission of 2 per cent. which charge was entirely overlooked on the passing of Mr. Lindegren's account.—This circumstance we discovered upon our examination of the account, together with several inaccuracies, which must have been detected if proper attention had been paid to the examination of it in the first instance. We were at considerable pains to ascertain with whom this neglect originated, and whether some steps had not been taken by the navy board to satisfy themselves of the correctness of the account, before they directed it to be passed, and authorized an acquittal to a public accountant of so large a sum as 439,934*l.* 1*s.* 9*d.*—We were informed, that this account of Mr. Lindegren was passed previously to the arrangement of the navy board into committees, when it was not considered to be the particular duty of any member of the navy board to controul or examine such accounts; that this duty rested with the clerks, and that the board acted only upon their statements of the accounts.—It is stated by the comptroller, that, under the agreements with Mr. Lindegren and Mr. Thornton, it was his intention that 7½ per cent. should have been the extent of the commission allowed, both for the purchase of the Hemp and the performance of all the business relative thereto; and that he knew nothing of the commission allowed to Mr. Morison.—The charge of 2 per cent. by Mr. Morison, on the purchase of the 4,000 tons of Hemp, and on so much of that stated to have been obtained from agents of the French government, as was not purchased of Messrs. Miln and Halliday, being made on each invoice, the clerk who drew out the abstract and statement of the account for the inspection of the board, inserted in the column of first cost of the article, the total sum of each invoice, without any specification of the commission of 2 per cent. which formed a part of it, and without noticing that charge in the observations which were made by him on the account. Owing to this circumstance, and the navy board's not having referred to the vouchers, this charge of commission, which amounted to 5,179*l.* 0*s.* 7*d.* escaped notice which, we conceive, would not have been allowed in Mr. Lindegren's account, in addition to his commission of 5 per cent. if it had been known at the time.—The abstract drawn up by the clerk, preparatory to making the statement of this account, appears to have been taken from Messrs. G. Thornton and son's general account, and not from the vouchers, nor even to have been compared with them, as in either of those cases some errors, which had crept into Mr. Thornton's account, would have been discovered.—Messrs. G. Thornton and son had by mistake charged the freight of 4 ships at 5 shillings per ton more than had been agreed for by the charterparties, which made their charge exceed the sum, for which they produced the broker's receipt, on each ship as follows: Lady Annabella, 42*l.* 3*s.* 8*d.*; Industry, 43*l.* 9*s.* 9*d.*; Agenoria, 59*l.* 3*s.* 2*d.*; Lord Miltoun, 49*l.* 2*s.* 0*d.* amounting to 193*l.* 18*s.* 7*d.*—These errors are certainly not of large amount, but as the means of discovering them were furnished with the account, they serve to shew that great neglect has prevailed in the examination of accounts; for had either the charterparties been referred to for the rate, or the broker's receipt for the amount, these errors must have been discovered.—We understand, that the account was required of Messrs. G. Thornton and son by Mr. Lindegren in a hurry, and in a form different from that in which it had originally been kept; these circumstances may account for the errors which were soon afterwards discovered by Messrs. G. Thornton and son, and the amount of the overchage was immediately carried by them to the credit of Mr. Lindegren in an account current which they had opened with him, intitled his account of naval stores imported, and which was confined to his concerns with the public. This sum was retained by Mr. Lindegren from 1795 until we had made some progress in our present investigation, when he transmitted an account current to the navy board, in which he gave them credit for this sum, as well as for some others, under nearly similar circumstances.—Another instance of neglect was discovered by us on the examination of this account. By the invoice of the ship Sappho, the public was charged with 22 tons 3 cwt. 3 qrs. and 15lbs. of Hemp, and there were delivered from her only 17 tons 1 cwt. 2 qrs. and 16 lbs., of which 5 tons 4 cwt. 1 qr. and 13 lbs. were damaged. On referring to the policy of insurance, we found, that Messrs. G. Thornton and son had recovered a particular average on the cargo of this ship, the greater part of which was their property; yet the account was passed by the navy board without any allowance being made to the public for the loss which had been sustained on their part of the cargo, and without any enquiry being made by the board on the subject, although they had previously been acquainted with all the circumstances of the case; and were informed by Messrs. G. Thornton and son, on the 26th of March 1796, that as soon as they recovered from the underwriters the amount of the average account they had made up, they would give Mr. Lindegren's account of Naval Stores credit for the proportion belonging to govt., which they accordingly did on the 2d of April 1796; and the amount, being 360*l.* 5*s.* 3*d.* was retained by Mr. Lindegren in like manner as the former sum.

The Second Statement made by the navy board, of Mr. Lindegren's Accounts for the purchase of Hemp, is for that provided by him under the commission of the 2d of Aug. 1796, amounting to 167,751*l.* 17*s.* 4*d.*—In this year Mr. Lindegren went to Riga, to attend, as he states, to the conversion of the Masts which he had purchased for the service of the navy in the preceding year. On the 10th of June 1796, he wrote to the navy board from Berlin, on his way to Riga, that by the intelligence he had received from thence, there was no doubt but he could procure for them from 1 to 3,000 tons of Hemp of very superior quality, upon reasonable terms; and on the 29th he informed them from Riga, that, according to the then price of Hemp, and the course of exchange at that place, he calculated it would stand them at about 55*l.* 10*s.* 0*d.* — In consequence of these letters, the navy board, under authority from the first lord of the admiralty, directed Mr. Lindegren, on the 2d of Aug. 1796, to purchase on their account about 2,500 tons of Riga Hemp, on the most reasonable terms he could; they expressed a hope, that it would be lower than the sum stated in his letter, but even if the price should be increased, he was to make the purchase, provided the advance was not maerial.—Mr. Lindegren, in compliance with these directions, purchased 2,464 tons. 16cwt. 2qrs. 18lbs., the cost of which, upon an average of the whole quantity, including the damaged, was 56*l.* 7*s.* 9*d.* per ton.—In the authority given to Mr. Lindegren, no mention is made of the commissions that were to be allowed on this transaction; by the accounts however, we find the following were charged: 2½ per cent. by Mr. Lindegren on the amount of the first cost and charges at Riga, 3,249*l.* 8*s.* 5*d.* 2 per cent. by Messrs. G. Thornton and son, on the amount of the first cost and all the charges, except Mr. Lindegren's commission, 2,431*l.* 1*s.* 0*d.* 2 per cent. on the amount of the purchase at Riga, charged in each invoice, by Messrs. Thorley, Morison, and co. 2,544*l.* 12*s.* 7*d.*—The whole of this Hemp was purchased by Messrs. Thorley, Morison and co. for Mr. Lindegren, and the commission charged by them was overlooked by the navy board, as in the former case, from the clerk who drew up the absrract and statement having inserted the total amount of the invoices as the prime cost of the different cargoes, without any distinction or notice of the commission.—This account was passed after the establishment of the committee of accounts, which took place in Aug. 1796; but we are informed, that on the first establishment of that committee they confined themselves in the investigation of accounts to the statements drawn out by the clerks, and the circumstances which they brought to the notice of the committee.—By this neglect we cannot but consider that the public sustained a loss, equal in amount to the commission charged by Messrs. Thorley, Morison, and co., being 2,544*l.* 12*s.* 7*d.*: for, if it had been discovered by the navy board that the purchase was actually made by Messrs. Thorley, Morison, and co., and not by Mr. Lindegren, as they appear to have expected from his being on the spot, they would hardly have made the latter so large an allowance as 3,249*l.* 8*s.* 5*d.* merely for communicating their orders to Messrs. Thorley, Morison, and co.

The Third Statement made by the navy board of Mr. Lindegren's accounts for the purchase of Hemp, is for that provided by him in 1797, amounting to 180,918*l.* 16*s.* 7*d.*—In consequence of intelligence which govt. had received, that the enemy were making large purchases of Naval Stores at Riga, the first lord of the admiralty, on the 17th of Jan. 1797, authorized the comptroller of the navy to employ a proper and confidential person to write immediately to his correspondent at Riga, to purchase 2 or 3,000 tons of Hemp. The comptroller accordingly issued directions to Mr. Lindegren, on the 20th of that month, empowering him to purchase or cause to be purchased without delay, a quantity of the best Riga Hemp, of the braak of that or the former year, not exceeding 3000 tons, provided the price should not exceed that given in the former year, namely, from 23 to 24 rix dollars per ship-pound; but if the price should exceed 25 rix dollars, he was then not to purchase more than 2000 tons.—For this service the comptroller agreed, that Mr. Lindegren should be allowed 2½ per cent. commission on the purchase at Riga, and that Messrs. G. Thornton and son should be allowed 1½ per cent. for negotiating the business in London, which commissions were to include every expense, except what might attend the duties, shipping, freight, and insurance to his maj.'s yards.—Under this authority Mr. Lindegren procured 3,123 tons. 7cwt. 3qrs. 9lbs. Out of which the entire cargoes of 4 ships were of inferior quality, and that nearly 1-3d of the whole quantity was either damaged, or of such bad quality, that it would not been received from contractors.—The price of this Hemp, upon an average of the whole, bad and good together, was 58*l.* 0*s.* 2*d.* per ton. We cannot state the price which the good Hemp actually cost the public, as it is impossible now to form an estimate of the value of such part as was damaged, or of inferior quality.—Riga Hemp generally bears a higher price in this country than Petersburgh Hemp, and is deemed of a better quality, which is said to arise from more attention being paid to the breaking of it at the former place; and Riga Hemp is on that account generally used in the manufacture of cables, and the more important parts of a ship's rigging. But the greater part of the Hemp received this year at Plymouth, under the commission granted to Mr. Lindegren, was reported by the officers to be of such inferior quality, that they proposed to the navy board to work it up into common cordage, and to use the Petersburgh Hemp received in the former year for fine yarn, as its quality was much superior. A proposition to the same effect was made with respect to one cargo by the officers of Chatham yard.—We find that the navy board, upon the receipt of the letter from the officers of Plymouth yard, dated the 28th of Oct. 1797, complaining of the bad quality of the Hemp received from the John and Isabella, and James, transmitted a copy thereof to Mr. Lindegren on the 30th of that month, and desired him to inform them, to what circumstances it was owing that this Hemp was of such an inferior quality. It does not appear that Mr. Lindegren returned any answer to this letter. Upon receipt of a complaint from the officers of Portsmouth yard, on the 14th of Nov. 1797, that the cargo of the supply was of an inferior quality, a great deal of it very weak and tender, and much impaired from the heat it had sustained on board the ship, and from having been packed in too moist a state, the navy board merely transmitted a copy of the report to Mr. Lindegren on the 18th of Nov., and on the 21st of the same month they acquainted him, that the cargo of the Agenoria, on delivery at Plymouth, had turned out as follows:—213 tons. 16 cwt. 3 qrs. 11 lbs. good. 15 tons. 4 cwt. 2 qrs. 12 lbs. dry damaged. 6 tons. 9 cwt. 3 qrs. 21 lbs. wet damaged. To these two letters Mr. Lindegren returned an answer on the 27th, in which he stated, that every cargo of Hemp shipped on his account at Riga was accompanied with a certificate from the town, that the same was of the first quality called Rhein, and that he believed if the ships had been fortunate in their passages and had arrived in due time, their cargoes would have been delivered in good condition and preservation.—Mr. Lindegren here acquits himself of all responsibility by the production of the certificates procured at Riga, and delivered at the dock yards, and accounts for the badness of the quality by the length of the voyage. We must here refer to the quality of the Hemp as reported by the officers, and observe, that to whatever cause the badness of it might have been owing, none but such as was good and fit for the service would have been received from a contractor.--The different commissions charged and allowed in Mr. Lindegren's accounts for the purchase of this Hemp are the same as in the last account; namely 2½ per cent. by Mr. Lindegren, on the amount of the first cost and charges at Riga, 3,550*l.* 18*s.* 2*d.*; 1½ per cent. by Messrs. G. Thornton and son, on the amount of the first cost and all the charges, except Mr. Lindegren's commission, 2,621*l.* 3*s.* 9*d.*; 2 per cent. on the amount of the purchase at Riga, charged in each invoice, by Messrs. Thorley, and co. 2,779*l.* 12*s.* 10*d.*—The latter charge of commission is certainly not warranted by the instructions of the comptroller, which provided, that the commissions of 2½ per cent. to Mr. Lindegren and 1½ per cent. to Messrs. G. Thornton and son, should include every expence, except what might attend the duties, shipping, freight, and insurance; and the comptroller states, that although he left it at Mr. Lindegren's option, whether he should go abroad or not, yet he expected he would, and understood from Mr. Lindegren that he meant to do so: he did not however, intend that a further commission of 2 per cent. should be allowed to a merchant, for transacting the business at Riga: and he states it to have been the duty of the committee of accounts to have prevented such further charge of commission.—This account was passed by the committee in March 1798, and it is stated by Mr. Gambier, that it was examined and compared with the official statement by the members of the committee themselves, so as to satisfy them, that the account was correct. It may therefore seem surprizing, that the charge of commission by Messrs. Thorley and co. should have been allowed; the amount of which was 2,779*l.* 12*s.* 10*d.*—Notwithstanding the minute examination which Mr. Gambier represents the accounts to have undergone, nearly from the time of the establishment of the committee of accounts, both by the clerks in the office for bills and accounts, and by the members of the committee themselves, yet it is evident that the examination of this account was closed without the charge of commission by Messrs. Thorley and co. having been discovered.—The committee had about this time under examination the account of Mr. Lindegren for the purchase of Masts in 1797, and in the course of that examination, it was discovered, that the invoices contained a charge of commission by Messrs. Thorley and co., at the rate of 4 per cent.—In consequence of this discovery, the committee on the 7th of Aug. 1798, submitted to the board at large, Whether the business for which Messrs. Thorley, Morison, and co. charged a commission of 4 per cent. "should be considered as Mr. Lindegren's own business, "for which he was to be allowed a commission of 2½ per cent. or whether he was "permitted by the board to employ an "agent at Riga for that purpose?" On the same day the board determined, "that "the charge by Messrs. Thorley and co., "for commission on the purchase of the "Masts at Riga, was proper; as Mr. Lindegren, from being detained here by order of the board for the purpose of passing his accounts, was allowed to employ "an agent at Riga for the purchase in "question."—The committee, after this, referring to Mr. Lindegren's account for the purchase of Hemp in 1797, and finding a charge of commission by Messrs. Thorley, and co. on that transaction, also made a reference to the board at large on that subject on the 10th of Aug. 1798.—They stated to the board, that, on a re-examination of Mr. Lindegren's account for Hemp purchased at Riga in 1797, previous to the final issue of the bill towards clearing his imprest, they found they had overlooked a charge of 2-per-cent. commission by Messrs. Thorley, and co. at Riga, inserted in the invoices, which in the office statement had been comprised under the head of cost at Riga; that as this charge had been incurred by reason of Mr. Lindegren's detention in England for settling his former accounts, in the same manner that the 4-per-cent. commission was incurred on the Masts purchased at Riga by Messrs. Thorley, and co. which the board by their resolution of the 7th inst. had thought proper to allow, they submitted to the board, whether the charge in question was to be allowed.—On the same day the board determined, That the commission of 2 per cent. to Messrs. Thorley, and co. on the purchase of Hemp in 1797, was to be allowed for the same reasons as stated in their minute of the 7th of that month, for allowing the commission upon the purchase of the Masts.—The reasons stated by the navy board, in their minute, are not satisfactory. If Mr. Lindegren was required to remain in England for the purpose of passing his accounts, and was allowed to employ an agent to make the purchases in 1797, it was proper that the commission charged by Messrs. Thorley, and co. who actually made the purchases should be allowed; but under these circumstances, if Mr. Lindegren was to be allowed a commission, it ought certainly to have been a very small one. If all the business abroad was to be managed by an established house at Riga, and all the business at home was to be performed by Messrs. G. Thornton and son, what part of the transaction was left to the management of Mr. Lindegren, to justify an allowance to him of 2½ per cent.?—Mr. Lindegren himself admits, that merely writing the letter to Messrs. Thorley and company, ordering the Hemp, was all the service he performed for the sum of 3,550*l.* 18*s.* 2*d.* the amount of his commission on this transaction.—With respect to the statement of the navy board, that Mr. Lindegren was required by them to remain in England for the purpose of passing his accounts, we were informed by them, that there was no trace in their office of any written order to Mr. Lindegren to that effect, or of any authority to him to employ an agent at Riga; and Mr. Lindegren, the party on whom, it is natural to suppose, these circumstances would have made the strongest impression, has no distinct recollection of any directions being given to him by the navy board to remain in England in 1797, and does not believe that he had any authority from them to employ an agent.—We cannot dismiss this subject without noticing the letter which was written by the navy board to Mr. Lindegren, on their discovering that a commission was charged by Messrs. Thorley, and co., for providing the articles. Instead of calling upon him for an explanation on this point, they furnish him with an excuse; for after mentioning the circumstance, they state, "We conclude that your detention here, "for the purpose of passing your accounts, "has been the cause of your employing "the before-mentioned factors for effecting "these purchases; but we cannot but observe to you, that we think it a duty you "owed the public to have apprized us of "the additional expense that was to be in-

" curred by such detention, and you being " consequently obliged to depute others to " do that part of the business at Riga, " which otherwise would have been performed by you."—It does not appear that Mr. Lindegren returned any answer to this letter; probably he felt that he could not adopt this excuse; for it must have occurred to him, that the same commission had been charged by Messrs. Thorley, and co., under his agreement with them in the years 1795 and 6; when he was actually at Riga.—It seems extraordinary that the discovery of this charge for commission in 1797, did not lead the navy board, to look back to the accounts for 1795 and 1796, from which they would have perceived, that the reason suggested by them for this charge in 1797, was unfounded. As the reason for allowing this charge in 1797 could not apply to the years 1795 and 1796, when Mr. Lindegren was actually at Riga, we applied to the navy board, to know upon what ground they had allowed such charge in those years. In their answer, they allow that the charge was unknown to them at the time of passing their accounts, owing to their having relied on the official statements, and their not having referred to the vouchers; but they insist that this neglect has not been productive of loss to the public, as there existed a necessity for Mr. Lindegren's employing an agent, " or he " would have paid from 10 to 12 per cent. " at least more than by employing an agent, " and paying him the regulated commis" sion;" therefore, they say, their having passed over this charge in the accounts for 1795 and 1796, " is perfectly immaterial " in respect of the point, whether it was to " be allowed or not."—This position we cannot assent to; for, if the first account in 1795 had been examined with proper attention, the charge of commission would have been discovered; the navy board would probably have then become acquainted with the necessity for Mr. Lindegren's employing an agent, which, they state, they were ignorant of at the time of allowing the charge on this account in 1797; and it is fair to presume, that, after 1795, a stop would have been put to the unnecessary expense incurred by the employment of Mr. Lindegren.—The navy board did not, till the year 1797, resort to the mode of obtaining Hemp by commission from Petersburgh; on which occasion they employed Mr. Cornwall Smalley, a partner in the house of Thorntons and Smalley. The commission authorized by the comptroller, and charged on this transaction, was 4 per cent. The commission charged and allowed on the Hemp from Riga, provided by Mr. Lindegren in the same year, was, as we have before observed, 6 per cent. notwithstanding the usual charge of commission for providing the article at Petersburgh is 3 per cent. and at Riga only 2 per cent. A careful attention to the public interest can alone prevent the recurrence of such inconsistencies, and the losses which arise from them.

The Fourth Statement made by the navy board, of Mr. Lindegren's accounts for the purchase of Hemp, is for that provided by him in 1799, amounting to 117,461*l.* 17*s.* 9*d.* In consequence of a suggestion from the first lord of the admiralty to the comptroller of the navy, that it might be advisable to take steps for securing a sufficient supply of Masts and Hemp for the use of his maj.'s navy, in such mode as should appear best calculated to keep the price of the articles as low as possible, the comptroller gave authority to Mr. Lindegren on the 6th of March 1799, notwithstanding the bad quality of the Hemp provided by him in 1797, to purchase 2,000 tons, for the performance of which service he was to be allowed for himself and agents a commission of 4 per cent. upon the amount of his disbursements.—Under this order Mr. Lindegren purchased 2,244 tons. 14 cwt. 3 qrs. 5 lbs.; and the following account will shew the quality and state of each cargo at the time of receipt. Upon a representation made by the yard officers of the inferior quality of the Hemp imported by the Nymph and Hector, the navy board called on them for a more particular report, and afterwards ordered them to keep a particular account of these cargoes, and when the whole should be manufactured, to state the loss sustained by the public in consequence of the inferior quality; upon this it seems, that an experiment was made on ten tons of each of these cargoes, and an equal quantity of the best Hemp provided by contract, and it was found that the produce in quantity was in favour of the former; but the account ordered does not appear to have been kept by the yard officers, or called for by the board, and consequently the loss to the public, which may have arisen from the inferiority of the quality, cannot be ascertained.—In this year, besides the Riga Hemp provided by Mr. Lindegren, the navy board contracted for 1,000 tons of that article, at 47*l.* 10*s.* per ton, with the usual war additions of 1*l.* 10*s.* per ton at Portsmouth, and 2*l.* per ton at Plymouth; it therefore appears that this Hemp, of which none could be received according to the conditions of the contract, but such as was of good quality, and fit for his maj.'s service, cost the public, upon an average, 48*l.* 7*s.* 6*d.* per ton, whereas that provided by Mr. Lindegren, upon an average of the whole quantity, cost 52*l.* 6*s.* 6*d.*, notwithstanding one-fourth of it was damaged, or of such quality as would not have been received from contractors.—The order given by the comptroller to Mr. Lindegren to effect this purchase, differs essentially from the orders in the former years: Messrs. G. Thornton and son were no longer nominated to transact the business in England, but it was stipulated with Mr. Lindegren, that the rate of commission should not exceed 4 per cent. for himself and agents.—Mr. Lindegren employed Messrs. Thorley and co. to make the purchases at Riga under this order, who charged, as usual, a commission of 2 per cent. upon the amount of each invoice, and Mr. Lindegren charged a further commission of 2 per cent. upon the first cost of the Hemp, and the expences attending its importation and delivery at the Dock Yards.—Thus at length, a stop was put to the extravagance in the amount of the commissions: Mr. Lindegren indeed was still continued to be employed, but the public were only at the same expence of commission as was actually incurred on the purchases made at Petersburgh by Mr. Smalley, and would have been incurred by the employment of established houses in the Russia trade in obtaining Hemp from Riga.

PURCHASES OF MASTS, FIR TIMBER, &c.

The first lord of the admiralty, in his letter to the comptroller of the navy of the 6th of Jan. 1795, authorizing him to send an able and confidential person to Riga to purchase Hemp, is silent as to the purchase of Masts; but the comptroller states in his evidence, that he had verbal directions from his lordship for that purpose. He therefore, in his instructions to Mr. Lindegren, directed him, in case he should meet with any Masts at Riga of the size of 20 inches and upwards, which he should have reason to believe were going to the enemy, to endeavour to prevent their receiving such supply by any means that might occur to him; and in case he should not be able to obtain the Masts by the superiority of the credit of this country, he was authorized to give an advance upon the price which the enemy might have agreed for.—By his maj.'s order in council of the 8th of June 1796, the comptroller of the navy is directed to execute certain services of a secret nature, under the authority of the first lord of the admiralty, and after such services shall have been performed, he is required to lay the orders and his proceedings in consequence, before the board for their concurrence. To enable the board to judge, as they are directed to do, of the conduct of the comptroller, it is necessary that the orders under which he has acted should be in writing. The directions given by the first lord of the admiralty for the purchase of Hemp were in that manner communicated to the comptroller, and we think the same rule should have been observed with respect to the procuring of Masts. Measures may be concerted in conferences between the principal officers of a department, but they should in all cases be carried into execution under the warrant of the proper authority.—Mr. Lindegren, in his letters from Hamburgh and Riga, dated 11th of April and 2d of May 1795, stated to the comptroller, that all the Masts of 20 inches and upwards, then at Riga, and expected there in the course of that and the following year, had been bought up for the French govt.; but that he had deprived them of at least 5 or 600 of the above dimensions, which were ready for shipping at Riga, and which they had relied on for the supply of their fleet.—Various communications were made by Mr. Lindegren to the comptroller on the subject of the Masts which had been bought up for the French govt.; and the navy board, in their letter of the 8th of July, informed him, that they thought it a desirable object to obtain them, provided they could be had on terms not exorbitant.—Mr. Lindegren, in his letter to the comptroller of the 18th of July 1795, stated, that he had so far prevailed on the French agent as to have obtained from him the terms on which he was willing to part with between 3 and 400 of the largest and finest sticks he had at Riga of from 20 to 25 inches in diameter, together with his original contracts for all the Masts of the next year, to the number of about 2000. Mr. Lindegren however stated, that his demands were too high, but that he hoped they would be lowered. This letter appears to have been transmitted to the first lord of the admiralty, who by a minute written at the foot of it, dated the 11th of Aug. 1795, desired the navy board to authorize Mr. Lindegren to conclude a bargain for the Masts on the most reasonable terms he could. The navy board, on the same day, gave Mr. Lindegren such authority, and stated, they trusted to his ability and integrity in the execution of a transaction of such magnitude, that he would not enter into any terms for the final purchase beyond what it might be proper for them to accede to, for obtaining the object they had in view. They also stated, that it would have been more satisfactory if he had mentioned the terms of the French agent; and directed him, in the further prosecution of the business he was employed upon, always to state the terms that might be offered to him.—On the 6th of Sept. 1795, Mr. Lindegren, by letter from Riga, informed the comptroller, that he had that day settled with the French agent upon such terms as he felt convinced, in the then situation of affairs, would prove highly satisfactory, for all his Masts, consisting of 4 or possibly 500 remarkably fine sticks, of from 20 to 25 palms, which were upon the spot, and of about 2,300 which he had contracted for to be delivered in the next year. Mr. Lindegren stated the prices of the Masts of different sizes on their delivery at Riga as near as he could calculate them, according to the then rate of exchange, exclusive of all charges; and informed the comptroller, that they would cost more than the last Masts the navy board had contracted for, which he said was unavoidable, as the French agent would not make them over to him without a handsome advance upon the prices he was to receive from his employers, whose interest he had sacrificed.—Mr. Lindegren, on the 1st of Feb. 1796, transmitted to the navy board an account of the particulars of the Masts which he had contracted for, and were to be delivered to him at Riga, if possible, in the course of the next season; he stated that this account, which made the number 3,949, contained the whole of the Masts the French agent had bought up, and had been in treaty for.—The Masts purchased by Mr. Lindegren were imported in the course of the years 1795, 6, 7, and 8. On the first ship being ordered to Riga, to bring home the masts, Messrs. G. Thornton and son, on the 19th of June 1795, wrote to the navy board, and requested to know, whether it was requisite for them to order any small articles of broken stowage for the Barnes transport, and the other ships which might be chartered to bring home the Masts. The navy board, in reply, informed them they did not then see that it was necessary to order any small articles for the Barnes, but that if it should be thought requisite for the other ships, they would inform them therewith. It appears that Messrs. G. Thornton and son, with a praise-worthy intention to the public interest, again wrote to the navy board, and represented, that the Mast ships were chartered for a certain sum for the whole cargo, and that as no ship could load more than 2-3ds of a cargo of Masts, the loss of freight for the space not filled up would be considerable; and therefore suggested, that Mr. Lindegren might be permitted to procure freight from the merchants. Upon this representation, the navy board grounded their letter of the 14th of Aug. 1795, to Mr. Lindegren, desiring him to procure freight for the broken stowage, but not to purchase any thing, as their contracts had been made so as to afford ample provision.—In reply to the above, Mr. Lindegren on the 3d of Sept. 1795, informed the comptroller, that he was very apprehensive it would not be possible to procure any merchandize from individuals to fill up the empty space in the Mast ships, particularly for the outports, but assured him every exertion should be made for that purpose. It appears, that he had at this time put Fir Timber, on his own account, on board 3 of the Mast ships, the Barnes, Withywood, and Henniker, which he stated, had sailed, or were on the point of sailing from Riga.—On the 12th of the same month, Mr. Lindegren stated to Messrs. G. Thornton and son, that he had been under the necessity of putting broken stowage on board the above ships, to enable them to stow the Masts. He informed them, that he had directed his house at Portsmouth to take care of that laden on board the Barnes and Withywood, but desired that they would cause the Fir Timber by the Henniker to be sold. Mr. Lindegren observed to Messrs. G. Thornton and son, that he could not have ventured to put the Fir Timber and Lath-wood on board the above ships for sale, if he had expected to pay any freight, as it would not fetch the prime cost with that addition; and, if they suspected the navy board had any idea of receiving freight, to tell them it could not be afforded; and that, as he wanted no emolument from the goods, they were welcome to have them at prime cost.—It does not appear that Messrs. G. Thornton and son had any communication with the navy board in consequence of this letter. Mr. G. Thornton states, he has no reason to believe that Mr. Lindegren had permission to bring home Fir Timber, lath and firewood, on his own account, without paying freight for the same, or that it was known to any member of that board that he imported such articles in the Mast ships.—It appears that Mr. Lindegren also put Fir-Timber on board the 4 other Mast ships, loaded at Riga in the course of the year 1795, which was sold on his account.—Mr. Lindegren states in his evidence that he did endeavour, without success, to obtain freight from the merchants of Riga, to fill up the vacant space in these ships. His obvious duty under those circumstances, was to have purchased, on account of govt., such articles as were actually necessary to stow the Masts. He says, he cannot now state why he did not inform the comptroller on the 3d of Sept., or in some of his subsequent letters, that he had laden Fir Timber on board the Mast ships on his own account. In his letter to Messrs. G. Thornton and son, of the 12th of Sept., he desires them, if they should suspect the navy board had any idea of receiving freight, to tell them it could not be afforded; yet, in his evidence he states, that he did derive considerable profit from the Fir Timber and other articles imported by him in the Mast ships, in 1795 and beginning of 1796.—We have not been able to ascertain how, or in what manner, the circumstance of Mr. Lindegren's having imported these articles in the Mast ships, was brought to the knowledge of the navy board; but by the evidence of the comptroller and surveyor of the navy, and of Mr. Gambier, it appears, that in the beginning of 1796, the question was discussed by the navy board, whether Mr. Lindegren should or should not pay freight; and that it was determined in the negative; but upon what precise ground the board came to that determination, they do not appear to recollect: nor is there any minute on the proceedings of the navy board relative thereto.—In 1796, previous to the importation of that year, the navy board seem to have determined, that the articles necessary to complete the loading of the Mast ships, should be provided on their account. They wrote to Mr. Lindegren to inform them of the nature of the goods that he would propose for this purpose, and on the 26th of April, they authorized him to purchase 2000 loads of Riga Fir Timber, and 2370 Norway Masts. These articles, it appears, were not sufficient for the intended purpose. Of 44 ships which were employed in the importation of the Masts in 1796, the articles ordered by the navy board for broken stowage were sufficient to complete the loading of only 20. Mr. Lindegren did not communicate this circumstance to the navy board, and request their directions for a further provision of these articles for the remaining 24 ships, but put on board them Fir Timber, which was sold on his account, without any allowance for the freight being made to the public.—By the evidence of the comptroller and Mr. Gambier, it would seem that the navy board were not acquainted with Mr. Lindegren's having imported any articles in the Mast ships on his private account, after the order of the 26th of April 1796, above alluded to; but it is evident that the navy board must at the time have been acquainted with his having done so, as on the 13th of Oct. 1786, they directed the Portsmouth officers not to receive any Fir Timber or Norway Masts out of the ships importing the Riga Masts purchased by Mr. Lindegren, beyond the number and quantity they were authorized to receive in the April preceding, nor any other kinds of broken stowage, without a special order for that purpose; and on the 9th of Dec. following, the Portsmouth officers requested the navy board's direction as to the disposal of 50 loads of Fir Timber delivered at that yard, beyond the quantity they were authorized to receive in April, which the navy board directed them to return to Mr. Lindegren.—The first statement made by the navy board of Mr. Lindegren's accounts for the purchase of Masts, is for those imported in the years 1795 and 96; and he was in consequence discharged of the sum of 280,023*l.* 4*s.* 7*d.* Owing to the reduction made by the navy board in the rate of commission originally agreed to be given to Mr. Lindegren, he appears to have been at a loss at what rate to charge his commission on this transaction; and it was consequently omitted in this account; but it was afterwards agreed by the navy board, that he should be allowed 5 per cent. upon such Masts as he had procured before he received their letter of the 12th of June 1795, and 2½ on the remainder; and he accordingly took credit for the amount in his subsequent account for 1797. —The different commissions allowed by the navy board on the purchase of the Masts, Fir Timber, &c. imported in 1795 and 96, were as follow: 4 per cent. by Messrs. Thorley and co. on the amount of the first cost and charges at Riga, 6,260*l.* 16*s.* 2*d.*; 5 per cent. by Mr. Lindegren on the amount of the first cost and charges at Riga (including Messrs. Thorley and co.'s commission) on 598 Masts, 1,389*l.* 6*s.* 0*d.*; and 2½ per cent. on the remainder, 3,382*l.* 15*s.* 10*d.*; 4,772*l.* 1*s.* 10*d.*; 1½ per cent. by Messrs. G. Thornton and son on the amount of the first cost and all the charges, except Mr. Lindegren's commission, 3,754*l.* 10*s.* 3*d.*

So much has already been said on the subject of the employment of Mr. Lindegren, and of the additional expence which was thereby incurred, that we think it unnecessary to say any thing further here, than that we are of opinion no advantage was gained that might not have been expected from the employment of any established house in the Russia trade.—This account was passed on the 20th of June 1797, subsequent to the appointment of the committee of accounts, but at a time when, as we are informed, their examination of the accounts was confined to the consideration of the circumstances pointed out to their attention by the statements of the accounts made by the clerks.—The commission charged by Messrs. Thorley and co. was, as we have before observed, with respect to the accounts for Hemp purchased in the years 1795, 96, and 97, included in the sum inserted in the official abstract as the prime cost of the different cargoes: it was consequently unknown to the board at the time of passing the account, that this expence of commission, in addition to what they had agreed to allow to Mr. Lindegren on the purchase, had been incurred.—We found upon examining and comparing Mr. Lindegren's accounts with the vouchers produced by him to the navy board, that there had been laden on board the Peggy, one of the Mast ships, 138 loads 14 feet of Fir Timber, of which only 94 loads 45 feet were received in Portsmouth Yard; the remainder was returned to Mr. Lindegren; but the insurance and duty upon the whole quantity, we found were charged to the public, as well as the duty upon several parcels of firewood imported in the Mast ships on Mr. Lindegren's private account. —On questioning Mr. Lindegren to these points, he stated, that his charging the duty to the public on the Fir Timber and firewood was an oversight, and, with respect to the Masts, that 175, not 185, were taken from the Dock Yard to his pound by the water bailiff of the yard; that he was not at home at the time, but his clerks informed him of it, and he supposed the Masts belonged to Messrs. Thorley, and co., to whom, when sold, he gave credit for the proceeds.—It is true that Mr. Lindegren had given Messrs. Thorley credit for these Masts, not only in his annual accounts, but in an account respecting some contracts for Masts, which had been transferred to them, of which we shall speak hereafter; but it does appear to us very extraordinary that Mr. Lindegren, who admits he was not in the practice of receiving Masts from Messrs. Thorley, for sale, should not, in the course of 9 years, have had any communication with them respecting these Masts or their proceeds. He accounts for this silence by stating, that Messrs. Thorley, and co. owed him a good deal of money, on account of the Mast contracts above alluded to, and says, that he wished Mr. Morison to have had a copy of his account, he believes, in March 1805, which would have cleared up the error respecting the Masts; but Mr. Morison said, he did not want it.—If Mr. Lindegren had supposed that the 185 or 175 Masts belonged to Messrs. Thorley, Morison, and co. it was his duty to have seen that the public had credit for the freight of them; but he says, he never adverted to this circumstance, considering, that they were imported 2 or 3 in each ship: if this had been true, we do not perceive how it could lessen the claim of the public to freight; but he must have known it could not have been the case, as only 21 ships had imported Masts to Portsmouth in the course of 1795 and 96.—In the account current delivered by Mr. Lindegren to the navy board on the 11th of May last, he gave the public credit for 731*l.* 2*s.* 10*d.* as the proceeds of the 175 Masts; and in an amended account current delivered the 1st of June, he gave credit for 23*l.* 17*s.* 7*d.* and 14*l.* 13*s.* 2*d.* as the duty charged to the public on the Fir Timber and firewood imported on his private account.

The Second Statement made by the navy board of Mr. Lindegren's accounts for the purchase of Masts, is for those imported in 1797, including the cost of one cargo of Hemp. In this account the public were allowed credit for the sum of 34,767*l.* 15*s.* recovered from the underwriters on account of the loss of 4 cargoes of Hemp. The net sum, of which Mr. Lindegren was discharged, was 183,804*l.* 13*s.*—Mr. Lindegren, in his letter of the 21st of March 1797, stated to the navy board, that it was near the time for taking up ships to commence the importation of the Masts remaining at Riga, and requested to be informed, what articles they would wish him to put on board, to enable the masters to stow the Masts.—The navy board, in reply, on the 20th of April 1797, ordered Mr. Lindegren to procure and deliver in the course of that year, 2645 Norway Masts, 2250 loads of Riga timber, and 21,000 deals; and in the course of 1798, 1630 Norway Masts, and 750 loads of Riga timber. They at the same time desired that he would not import in 1797 any of the articles ordered for 1798, if it could be avoided without any additional expence to govt.—On the 11th of Aug. 1797, Mr. Lindegren acquainted the navy board, that his agent at Riga had informed him the articles ordered for broken stowage had been nearly all employed in completing the cargoes of the ships which had been then sent out, and that it would be necessary to provide a further quantity to stow the remaining Masts, which were mostly of the largest sizes. Mr. Lindegren pointed out Fir Timber, hand Masts, spars, and deals, as proper for the purpose, and requested the navy board would let him know what quantities of those articles they would wish to have put on board the ships.—The navy board on the same day informed Mr. Lindegren, that they expected the principal part of the large Masts had been sent home, as they had repeatedly desired he would give them the preference; and with respect to the broken stowage, they desired he would procure as much Fir Timber as was absolutely necessary to stow the remaining Masts, but nothing more.—On the 15th of Aug. the navy board, by a general warrant, acquainted the officers of the several yards, that they had authorized Mr. Lindegren to procure as much Fir Timber as was absolutely necessary to stow the Masts, and directed them to receive the same.--Notwithstanding this representation of Mr. Lindegren, and the navy board's direction, we do not find that the additional quantity of Fir Timber was delivered into his maj.'s yards; on the contrary, out of 38 ships, which imported the Masts in 1797, it appears that 14 of them brought Fir Timber, which was sold on Mr. Lindegren's private account, without any allowance of freight being made to the public.—Mr. L. states, when the additional quantity of Fir Timber arrived, which he was directed to procure by the navy board's letter of the 11th of Aug. that he conceives the circumstance of its having been ordered by the navy board was not adverted to, either by himself or Messrs. G. Thornton and son; and that, therefore, it was permitted to be refused at the Dock Yards. We apprehend it could not have been refused at the Dock Yards, as the officers were expressly directed to receive the additional quantity by the navy board's warrant of the 15th of Aug. before mentioned. He afterwards produced 3 letters from Messrs. G. Thornton and son to Messrs. Chapell and Hodge, their agents at Plymouth, dated in July and Aug. 1797, stating, that the bills of lading for the Fir Timber by certain Mast ships had been sent to the navy board, which Fir Timber Messrs. G. Thornton and son, by their letter of the 15th of Aug. desired might be sold, as they found it was not to be received by the officers of Plymouth yard. By these letters Mr. L. would imply, that the navy board had refused to take the timber. This circumstance not appearing probable, we applied to Messrs. G. Thornton and son, and requested to be informed, whether the navy board had refused to receive the timber in question, or upon what ground the letter of Messrs. G. Thornton and son to Messrs. Chapell and Hodge of the 15th of Aug. was written, and in reply it was stated to us, that they had referred to their correspondence with the navy board in 1797, and had not found any letter relative to the broken stowage, and that in all probability their letter of the 15th of Aug. was written in consequence of verbal directions from Mr. Lindegren.—Mr. L. in his letter to us of the 6th of July 1805, speaks of the reluctance he had to having any Fir Timber put on board the Mast ships on his own account; and yet, when the navy board had ordered him to procure as much Fir Timber as was absolutely necessary to stow the Masts, and had directed the officers of the yards to receive it, he, on its arrival, being himself in England, caused it to be sold on his private account. Under these circumstances, it is not reasonable to suppose that Mr. L. would have made this timber his own, if a loss arose upon the sale, as his evidence seems to intimate; but, whether such loss did or did not arise, it must be observed that the directions, which he received from the navy board, were not regarded by him.—The commissions charged and allowed by the navy board on the purchase of the Masts, Fir Timber, &c. imported in 1797, were as follows: 4 per cent. by Messrs. Thorley, and co. and on the amount of the first cost and charges at Riga 5,692*l.* 8*s.* 10*d*; 2½ per cent. by Mr. Lindegren, on the amount of the first cost and charges at Riga, including Messrs. Thorley and co.'s commission 3,711*l.* 14*s.* 9*d.*; 1½ per cent. by Messrs. G. Thornton and son, on the amount of the first cost and all the charges, except Mr. Lindegren's commission, 3,083*l.* 16*s.* 7*d.*—In the course of the examination of this account, it was first discovered by the committee of accounts, that a commission had been charged by Messrs. Thorley and co. on the purchase, which induced them to make the reference to the board, as to the propriety of allowing that charge, which we have before noticed, when speaking of the purchase of Hemp in 1797.—It appears by the minute of the committee of accounts, attached to their statement of this account, that their attention was directed to the difference in the number of the articles charged to the public, and the numbers acknowledged by the officers of the yards to have been received. They state, that upon the whole number of Masts, bowsprits, and spars, there appeared to have been 109 sticks more delivered than had been paid for. This was not the case. In the abstract of the invoices, from which the statement is made, the cargo of the Young William is stated to have consisted of 26 Masts, instead of 76; that of the Selby, 63 instead of 65; and in the cargo of the Centurion, 84 Norway Masts or spars are wholly omitted; so that, instead of there having been a greater number delivered than had been paid for, there was actually a deficiency of 27 in the delivery, of which we cannot get any account.

The Third Statement made by the navy board, of Mr. Lindegren's accounts for the purchase of Masts, is for those imported in 1798, amounting to 33,661*l.* 13*s.* 5*d.*—Mr. L., on the 7th of April 1798, represented to the navy board, that there still remained at Riga a sufficiency of small Masts, spars, &c. to stow about 300 Masts and 50 bowsprits of the largest dimensions, from 20 to 26 inches in diameter. He stated, if the navy board wished for such a supply, that they might depend on not being disappointed, as he had made it his business, through his agents in Russia, to get selected, with infinite pains, a great number of sticks of such dimensions, and that he would undertake to receive back, on his own account, any Masts, which, on delivery, might be found to fall short of 20 inches. And, on the 24th of April, Mr. L. observing that the navy board had advertised for large Masts, stated to them, that he was enabled, from the steps he had taken in Russia, to provide them with such as they might require, and that he would engage, every stick should measure 21 inches or more in diameter. He further stated, that he was certain it was not in the power of any other person to provide the Masts on the terms he could, and that he had every reason to doubt their being able to provide them at all; and, at the same time, informed them, if he was permitted to procure the Masts in question, that it would enable him to bring home advantageously for govt., all the Masts, spars, &c. remaining at Riga, which had been paid for, and made a part of the required supplies of the year, and which were quite sufficient broken stowage for the 300 Masts they required.—Mr. L., on the 25th of April, transmitted to the navy board an account of the sums, which he apprehended the Masts of different sizes, from 21 to 26 inches, would cost, on being delivered into his maj.'s yards; upon which they authorized him to purchase 281 Masts, of 21 inches and upwards, upon condition, that such as might, on delivery, prove under that size, should be returned to him.—Upon the delivery of these Masts, some of them did prove under 21 inches in diameter, which the navy board afterwards consented to receive at reduced prices. — Notwithstanding the statement made by Mr. L. to the navy board, that the small masts, spars, &c. remaining at Riga, would be quite sufficient broken stowage for 300 masts, we find, although the navy board ordered only 281, that Mr. L. put Fir Timber, on his own account, on board 3 of the 6 ships, by which the Masts were imported, on which no freight was allowed to the public.—At the time the navy board authorized Mr. L. to purchase the 281 Masts, they did not enter into any agreement with him as to the commission he should be allowed, and when he furnished his account, he left the rate to be determined by the navy board.—In the invoices of these Masts, there was no specific charge of commission by Messrs. Thorley and co.; although such charge was continued to be made in the invoices of the articles purchased in the preceding year, which were imported at the same time.—On the 26th of April 1799, the navy board desired Mr. L. to inform them, why the shipping charges, duties, and commission to Messrs. Thorley and co., had not been particularly specified in the invoices of the Masts purchased under the agreement of April 1798, as had been done in the invoices for the Masts and Fir Timber left behind in 1797, and in all former invoices. —Mr. L. in his reply informed the board, that he had particularly desired Messrs. Thorley and co. to charge the Masts, purchased in 1798, as specific rates, including all the charges at Riga, in order that the cost of each Mast might be seen at one view.—On the 15th of July 1799, the navy board desired Mr. Lindegren to state, as in former instances, the prime cost of the Masts, the duties and shipping charges, and the commission charged by Messrs. Thorley and co., for the purpose of their determining what commission ought to be allowed to him. In his letter of the 22d of July, he informed them the circumstances, under which these Masts were purchased, differed materially from the former transactions; that, as a number of large Masts alone were to be supplied, Messrs. Thorley and co., in order to make the selection, were under the necessity of purchasing many considerable parcels of Masts, both large and small, otherwise they could not have procured Masts of such sizes as were sent, and which, according to his directions, were charged at the lowest prices at which they could afford to deliver them.—Mr. L. in his letters of the 7th and 24th of April 1798, did not state any difficulty or disadvantage in procuring a supply of large Masts only, but informed the board, that the number they required had been actually selected by his agent at Riga.—On the 16th of Oct. 1799, the navy board repeated to Mr. L. the directions contained in their letter of the 15th of July, to state the particulars which composed the sums inserted in the invoices transmitted by Messrs. Thorley and co., as they could not allow any commission upon this transaction, until such particulars were ascertained; and, on the 18th, he informed them, that he would desire Messrs. Thorley and co. to furnish him with invoices made out in the usual mode. It does not, however, appear, that the information desired by the navy board was ever furnished to them. On the 13th of Dec. 1799, in answer to Mr. L.'s letter of the 30th of Nov. they informed him of the prices at which they would receive the Masts, that on delivery, had proved to be under 21 inches; and with respect to his commission, as it appeared he was to pay 4 per cent. upon the purchase at Riga, they should allow him 2 per cent. in addition thereto, which is the only specific commission charged on the purchase of the Masts in 1798.—During the time that Messrs. G. Thornton and son were allowed a commission by the navy board for transacting the business in England, relative to the purchases made by Mr. L., they furnished him with accounts, which were laid before the navy board, of the profit and loss arising from the interest and discount of the navy bills issued by way of imprest; but, when they ceased to be so employed, Mr. L. no longer produced such accounts to the navy board.—Messrs. G. Thornton and son, were afterwards employed by Mr. L. as his private agents, to transact the business relative to the purchase of Masts in 1798, and, by their account with him, intitled "his account of Naval Stores imported," it appears, that 18 imprest bills for 1000*l.* each, payable at 90 days, were issued by the navy board, in part payment for these Masts. Messrs. G. Thornton and son did not negociate these bills, but held them till they became due, when they not only received the principal sums of the bills, but also the interest, which amounted to 235*l.* 16*s.* and gave Mr. Lindegren credit for that sum on the 1st of May 1799; but, as 3 of these bills did not become due until the 10th of June, they debited him with 18*l.* 4*s.* 9*d.*; the amount of the discount on such bills, leaving a balance of 217*l.* 1*s.* 3*d.* —Mr. L. states, that he does not recollect why he did not give the public credit for this sum; and that he thinks he did not get Messrs. G. Thornton and son's account, in which they gave him credit for it, till about the 29th of June last, the time of his examination; but it is stated by Mr. G. Thornton, that it was delivered to him soon after it was prepared, on the 1st of May 1799; and as Mr. L. was debited by Messrs. G. Thornton and son with the balance of that account, amounting to 13,164*l.*

8*s*. 11*d*. it would be unreasonable to suppose, if the account had not been furnished, but that Mr. L. would have required it, to have seen how such balance was made up.—In the course of our enquiry we also discovered that Mr. L. had received some other sums which should have been carried to the credit of the public. Having, at our request, been favoured by the commissioners of the customs with copies of the manifests of the cargoes of the different Mast ships, we found, in addition to the Fir Timber imported by Mr. L. on his private account in each year, that wainscot logs had been imported in some of the ships which were consigned to Messrs. G. Thornton and son. Upon application to them we found that those articles had been consigned to them by Messrs. Thorley and co. of Riga, and that they had given credit to Mr. L. for the amount of the freight, in an account which they had opened with him, intitled, "disbursements for Naval Stores "imported," a copy of which account they laid before us, together with an extract from their journals, necessary to the elucidation of that account, which contains other sums besides the freight of the logs above mentioned, with which the public should have been credited, and also some disbursements, which have not been charged by Mr. L. in his accounts. We have drawn out an account, shewing the sums which should have been carried to the account of the public by Mr. L., the balance of which 156*l*. 17*s*. 4*d*. still remains due from him.—Messrs. G. Thornton and son's account above alluded to, contains a charge for interest on sums advanced in payment for Naval Stores, which should not fall upon the public, as Mr. L. had, at the time, a considerable sum of the public money in his hands, which he had withdrawn from the custody of Messrs. G. Thornton and son.—It is stated by Mr. Tooke, that he thinks Mr. L. was not furnished with the account intitled "disbursements for Naval Stores," and by Mr. L. that he never saw it until it was shewn to him just before the copy was rendered to this board; but as the balance 38*l*. 4*s*. 11*d*. was carried to his particular account as a balance on disbursements for Naval Stores, he certainly ought, whether the account was furnished or not, to have ascertained how such balance had arisen.—We were surprized to find that Mr. L. had not delivered, with any of the accounts of his purchases, an account current of his receipts and disbursements; more especially as the navy board did call upon him by letter, on the 7th of March 1797, for an account current from the commencement of his employment. It is stated by Mr. L., that he furnished one in consequence, in which he gave the navy board credit for the amount of the errors, pointed out by us, which had occurred in the account of the purchase of Hemp in 1795. On application to the navy board for this account, they stated, that though strict search had been made in the office, it could not be found; and in a subsequent letter, they informed us, that from the circumstances therein detailed, they had not any reason to believe that such account current had been delivered. Mr. L. accounted for his being unable to furnish us with a copy of the account current said by him to have been delivered, by stating, that he was robbed of his books and papers relating to his transactions with the navy board on his way to Portsmouth in 1798 or 99. These circumstances considered, we are inclined to believe that the account in question was never furnished to the navy board; for, if it had, and the sums before alluded to had been expressly stated therein as due from him to the public, it is not reasonable to suppose that the navy board would have omitted to debit him with their amount.—On the 11th of May 1805, after we had discovered that various sums, the property of the public, had not been brought to account by Mr. L., he transmitted to the navy board, of his own accord, an account current, commencing on the 30th of April 1799, in which he endeavoured to adjust the several errors and improper charges in his accounts, which had been discovered in the course of our investigation.—The first sum in this account current with which he charges himself is 483*l*. 9*s*. 8*d*. stated to be the balance due to the navy board at the time Messrs. G. Thornton and son ceased to be employed: this sum, we learned from Mr. L., was ascertained in the following manner. After he was robbed of his papers, he obtained from the navy office the amount of the sums which had been imprested to him; to this he added the several sums recovered by Messrs. G. Thornton and son, contained in their account of Naval Stores imported, dated the 29th of April 1796, and deducted therefrom the amount of his various disbursements; the remainder he inserted as a balance due to the navy board, without any specification of the items which composed it. This was certainly not a clear or satisfactory mode of stating the account; for it was impossible that the navy board, from any documents in their possession, could ascertain how the balance was made up. Mr. L. also gave the public credit in this account for 731*l*. 2*s*. 10*d*., as the amount of the Masts belonging to the public, which he had received out of Portsmouth Dock Yard in 1797.—In consequence of our having discovered that Mr. L. had improperly charged the public with the duty on some Fir Timber and fire wood imported by him in the Mast ships on his private account, he transmitted to the navy board an amended account current, in which he gave them credit for the amount; but there still remain due from him the sums of 156*l*. 17*s*. 4*d*. and 217*l*. 1*s*. 3*d*. which we have before noticed, less the sum of 23*l*. 12*s*. 6*d*., the premium returned on the insurance of the cargo of the Ariadne, which Mr. L. has given the public credit for in the balance of 483*l*. 9*s*. 8*d*., although that sum had been previously allowed in the original account of the cost of the cargo of that ship.

Upon a review of these transactions, we feel ourselves called upon to state, that by a want of sufficient knowledge (which should have been previously obtained) of the circumstances attending the employment of an agent sent from this country for the purchase of Naval Stores, and the neglect shewn in the examination of Mr. Lindegren's accounts, a very considerable and unnecessary expence has been incurred. The amount of Mr. Lindegren's commission on the purchases made prior to 1798, was, 27,651*l*. 9*s*. 6*d*. We cannot but consider, from the circumstances before detailed, that the whole, or the greater part, of that commission was lost to the public, as, during those years, a resident merchant at Riga was paid the usual commission for making the purchases there, and an established mercantile house in London was paid for transacting all the business in this country. —It is urged however, that Mr. L. in consequence of his employment, went to Riga in 1795 and 96, and that during his stay there in the former year, he gave information of the ships, which took on board Naval Stores on account of the enemy; but, as we have before observed, the purchases at Riga might have been as well executed had he not been present or engaged for that purpose. For the other service expected from him, that of giving intelligence of ships laden with Naval Stores on account of the enemy, persons long resident on the spot were better qualified, as they possessed superior opportunities of acquiring information; to whom, or to other persons expressly deputed, a small part of 12,857*l*. 3*s*. 2*d*., the sum paid as Mr. L.'s commission in 1795, would have afforded an ample remuneration. As to the services performed by Mr. L. in 1797, it is not alledged, either by himself or the navy board, that he did any thing more for the commission allowed him than merely convey to Messrs. Thorley and co., the order for the purchase of the goods.—We have before stated it as our opinion, that no advantage was likely to arise from sending an agent abroad beyond what might have been expected from the employment of an established house in London. The fact we are about to mention affords reason to apprehend, that the commission allowed Mr. L. was not the only loss which the public sustained by his being employed. In the course of our enquiry we discovered that Mr. L. had received certain compliments or gratuities from Messrs. Thorley and co., whom he employed to make the purchases at Riga. Although it was established that gratuities had been received, yet we could not procure any information, on which we could depend, as to their probable amount. A part, we learned, was in goods, which consisted of Fir Timber and lathwood, laden by Mr. L. in the Mast ships, to complete their stowage. We were at some pains to ascertain the sum, which this timber and lathwood yielded to Mr. L., and with this view we required Messrs. G. Thornton and son, by whom it was disposed of, to lay before us the accounts of sale; but we have not entered them in the Appendix, as Mr. L. in his letter to us of the 6th of July 1805, states the proceeds of the Timber at 12,118*l*. 14*s*. 3*d*. and the proceeds of the lathwood, including some charges of insurance, at 2,944*l*. 0*s*. 0*d*. making in the whole 15,062*l* 14*s*. 3*d*. which sum nearly corresponds with that we had collected from Messrs. G. Thornton and son's accounts. It is stated by Mr. L. that a part only of this Timber was given to him by Messrs. Thorley, and co, and that they drew upon Messrs. G. Thornton and son on his account for the remainder. We however found it to be impossible to obtain from him any precise information on this point; he stated, that he could not say what proportion of it had been drawn for, and that he was not in possession of any account by which it could be ascertained, owing to his having been robbed of his books and papers as before mentioned.—There was a speculation in Petersburgh Hemp on the joint account of Mr Lindegren, Mr. Morison, and Messrs. G. Thornton and son. This Hemp was sold by the latter, who gave Mr. L. credit for his proportion of the proceeds of the sale, amounting to 4,447*l.* 5*s.* 3*d.* Mr. L. at first stated to us, he considered this speculation as a part of the compliment from Messrs. Thorley and co., as they did not draw upon him for his share of the prime cost; but he afterwards declared though very vaguely, that, upon a reference to the books of Messrs. G. Thornton and son, some sums appeared to have been drawn by Messrs. Thorley, Morison, and co., which he considered to have been on this account, though he could not distinguish the sums, nor had he any account that would assist him in this particular. We also discovered, that in 1799, Mr. L. received from Mr. Morison a farther gratuity in money, which the latter states to have been about 1,200*l.* and the former about 1,000*l.*—We felt it to be our duty to question both Mr. L. and Mr. Morison very particularly as to the nature and amount of the compliments or gratuities which had been received by the former. We did not, however, obtain any satisfactory information from them; but it is stated by Mr. Morison, that "he rather thinks, to the "best of his recollection," the compliment to Mr. L. was made to be nearly adequate to 1 per cent. on the gross amount of the purchases subsequent to 1795.—An agent with a commission should not have received any compliment from the merchants whom he employed to purchase the articles on the public account. If the merchants had only a fair remuneration for their services, they could not afford to make such presents; and, if it was a part of the agent's duty to protect the public interest against any fraud or abuse which might be practised by those whom he employed, it was not likely that this service should be faithfully performed by a person to whom the presents were made.—There is another part of Mr. L.'s conduct which our duty requires us to notice, namely, his applying the public money to his private advantage. Having had occasion to require Messrs. G. Thornton and son to produce to us their account with Mr. L. of his transactions with the navy board, intitled, "his account of Naval Stores imported, for the years 1795, 6, 7, 8, and 9," and observing, that the balances of some of those accounts had been transferred to Mr. L.'s particular accounts, we caused them to be laid before us, and in consequence discovered that Mr. L. had received the following sums of public money from Messrs. G. Thornton and son:

1796. Feb. 27. Cash paid him	£9,550	0	0
April 29. Amount of Hanbury and co.'s draft of the 10th of Nov.	10,624	14	3
Balance of account of Naval Stores imported, carried to the credit of Mr. Lindegren's particular account	7,237	8	3
1797. June 2. Ditto	15,674	19	7
	£43,087	2	1

The bills drawn at Riga in payment for the articles purchased by Mr. L. as well as all the expences attending their importation, were paid by Messrs. G. Thornton and son, to whom, in fact, the money necessary for that purpose was issued by the navy board, although the bills were made out in Mr. L.'s name. It was not therefore right or necessary that Mr. L. should have withdrawn from Messrs. G. Thornton and son more than the amount of his commission upon the articles purchased. Mr. G. Thornton, who acted as attorney to Mr. L., states, that he was unacquainted with the amount of his commission, and that when he called upon him for money, he paid it to him.—At the time Mr. L. had received the sums amounting to 43,087*l.* 2*s.* 1*d.* from Messrs. G. Thornton and son, he could only be entitled to his commission on the articles imported in 1795 and 1796, amounting to 20,248*l.* 4*s.* 2*d.* leaving a balance of the public money in his hands of 22,838*l.* 17*s.* 11*d.* above the amount of his commission.—In excuse for this conduct, Mr. L. stated, that he never added together the sums he received from Messrs. G. Thornton and son, to ascertain whether they exceeded the amount of his commission; and that the sum of 10,624*l.* 14*s.* 3*d.* drawn for by Messrs. Hanbury and co. was carried to the debit of his account of Naval Stores imported, by mistake, as it should have been carried by Messrs. G. Thornton and son to his private account; and, with respect to the other sums, he could not recollect why they had been carried to his particular account.—The evidence given by Mr. L. having appeared to us to be very vague and inconsistent, we issued our precept to Messrs. G. Thornton and son for Mr L.'s letters to them, between the years 1795 and 1797, on the subject of the Naval Stores purchased by him for the service of the navy.—From the letters which were in consequence laid before us we discovered that so far from the bill for 10,624*l.* 14*s.* 3*d.* drawn by Messrs. Hanbury and co. on Mr. L.'s private account, having been carried by Messrs. G. Thornton and son to his public account by mistake, it was done at his express desire, as appears by his letter to them of the 22d of Nov. 1795; and that he also directed them by letter of the 1st of June 1797, to place to the credit of his particular or private account the sum of 15,674*l.* 19*s.* 7*d.* being the balance of his public account, dated the 30th of May 1797.—Mr. L. in transferring public money to his private account with Messrs. G. Thornton and son, had not only the means of employing it in his private speculations, but he derived an immediate advantage from the transfer, as Messrs. G. Thornton and son were in the practice of allowing him interest at the rate of 5 per cent. per an. upon the balance of that account. It is evident, that when Mr. L. transferred to his private account any of the public money advanced to Messrs. G. Thornton and son, to employ it for his own benefit, greater sums must have been advanced to them than the exigencies of the service would otherwise have required. But Mr. L. has endeavoured to establish by his evidence, that no such consequence arose from his conduct. This result however is apparent; for in the same letter by which he directs the transfer of public money to his private account, he desired Messrs. G. Thornton and son, whenever they are likely to incur any new advances on the public account, to apply to the navy board who will immediately pay them the same; and on referring to the account of the imprests granted by the navy board, for this service, we find that within a fortnight after the date of that letter, they issued imprest bills to the amount of 55,000*l.*—Having in the course of our examination of Mr. L's. accounts, observed that there were notations upon the policies of insurance, which had been mostly effected by Messrs. G. Thornton and son at the Royal Exchange and London Insurance offices, of an allowance of discount at the rate of 10 per cent. upon the amount of the premium, we were led to enquire upon what ground this allowance had been made, and examined Samuel Fenning, esq. constant director of the Royal Exchange Assurance office, from whom we learned that upon all ready money payments, (in which light they consider payment within 3 months,) they make an allowance of 10 per cent.—This allowance upon the aggregate of the sums paid for insurance by Messrs. G. Thornton and son, in the years 1795, 96, and 7, amounted to about 5000*l.*; and as Mr. G. Thornton stated that navy bills had been issued punctually on the application of his house, for defraying all the expences, it appeared to us that the public were entitled to any allowance that might be made for the prompt payment of its own money; more especially as a specific commission was given to Messrs. G. Thornton and son for the performance of all the business in this country attending Mr. L.'s purchases.—By the evidence of the Comptroller and Mr. Gambier, it appears to have been the intention of the navy board, that Messrs. G. Thornton and son should not have had any allowance beyond their stipulated commission, and that the circumstance of the allowance of the 10 per cent. had neither been noticed by the board, nor represented to them by the clerks who drew out the statements of Mr. L.'s accounts.—Mr. G. Thornton informed us, that he had not carried to the credit of the public the discount on paying the premiums of insurance, because it was not customary among merchants. We examined John Julius Angerstein, Thomas Bonar, and Anthony Brough, esqrs. as to the usage of merchants in this respect. The two former could not speak to the point in question; but by the latter we were informed, that it was not usual for merchants to account for this allowance, unless there was a specific agreement for that purpose.

Where irregularities or abuses in any of the public departments, such as we have had occasion to notice in this Report, have arisen from a want of sufficient vigilance and attention to the examination of accounts, the means of preventing them are to be looked for not so much in new regulations as in an increase of vigilance and attention. Still there are some regulations connected with the subjects of this enquiry, which we think it may be advantageous to adopt.—Whenever it may be judged advisable to employ agents to make purchases for govt., we recommend that the public boards should previously stipulate with them, that the rate of commission which may be agreed upon, shall constitute the whole of the remuneration, and that such agents should be required to produce, together with their accounts, affidavits that they were not in any way interested in the articles purchased previous to their being obtained for govt.; that they neither have derived, nor will derive, any profit, advantage, or emolument, from or by reason of their employment, either directly or indirectly, beyond the amount of their stipulated commission; that their accounts are just and true; and that, in their transactions, they have exerted themselves in every respect to the utmost of their ability for the benefit of the public.' An oath nearly similar to the above is required from the agents employed by the victualling board; but the precaution has not yet been adopted by the navy board.—The greater part of the imprest bills issued by the navy board are made payable at 90 days date, bearing interest at the rate of 3½d. per cent. per day; the amount of which is added to the sum of the bills. On an inspection of the imprest ledgers kept in the office for comptrolling the treasurer's accounts, we found it was the practice to charge the individuals to whom money has been advanced in this manner, with the principal sum of the bills only, without noticing the interest. From this circumstance they are not necessarily called upon to account for the interest, which is to all intents a part of the sum of the bill; and, should the bill not be negociated, is as much the property of the public as the specific sum for which the bill is issued. It is stated by the chief clerk in the office for bills and accounts, that it is not the usual practice to call upon individuals, when they render their accounts, to know whether any interest had accrued upon the bills previous to their being negociated; and in a former part of this Report we have observed that Mr. Lindegren had omitted to give credit for the interest on some bills, which had been imprested to him. In order to secure to the public the full produce of the bills which may be issued in this manner for the future, we recommend that the individuals should be charged in the Imprest Ledger with the full amount of the bills, including the interest.—We are of opinion, that no account of the expenditure of public money should be received by the navy board, without a general account current of the receipts and disbursements. It has been stated to us by the chief clerk in the office for bills and accounts, that, upon referring to accounts passed as far back as 1757, he found accounts current had been invariably produced. This renders it more extraordinary that Mr. L.'s various accounts, which exhibited only a collection of the disbursements, should have been passed without his producing an account current.—In our examination of some of the accounts of Mr. Lindegren and Mr. Smalley, for the purchases of Naval Stores, which had been passed by the navy board, we had occasion to observe, that the accounts so passed had not the signatures or initials of the clerks, whose duty it was to examine them; nor of the members of the committee who had approved them; nor of the members of the board, by whom they had been allowed.—Nothing, in our opinion, can tend more to enforce a strict and regular attention to the examination of accounts, which is so essential to the protection of the public interest against fraud and error, than the imposing of individual responsibility on the persons who may be employed in that important duty. With this view we recommend, that the clerks, who examine the castings of the vouchers to accounts, should note the time, and affix their signatures thereto; that the clerk who examines the account as to its propriety and consistency with the board's orders, and makes the official statement thereof, should bring together, in the form of a certificate, the objections which may appear to passing the account, and sign his name thereto, and note the time of his so doing; that the committee of accounts having satisfied themselves of the propriety or impropriety of the charges made, should, on referring the account to the navy board, note the time and affix their signatures to the minute, stating their approval or objections to the account; and that the navy board should, in like manner, note the time, and also affix their signatures to all minutes directing accounts to be passed.—We are also of opinion, when accounts are directed to be passed, that the clearing bills should be immediately made out, and not neglected, as appears to have been the case with some of Mr. Lindegren's for upwards of a year.—We are further of opinion, that when accounts are passed, none of the papers or documents furnished as vouchers thereto should be returned to the accountant; but that they should be retained by the public board, as their authority for allowing the charge, in support of which they may have been produced.—In a letter from the Navy Board, they express a wish, that their proceedings should be judged by the correspondence and other official documents and statements, and not in any instance solely upon the evidence of individuals. We readily subscribe to this request, and, in all cases where it has been practicable, we have endeavoured to pursue this course; but instances have occurred, in which these sources of information have failed. We have not always been able to learn from the official papers whether particular acts have been done, what orders have been given, and upon what grounds certain measures have been adopted or rejected; and we have therefore been obliged to seek information from the members of the board.—It is only by rendering the minutes of the board more perfect, that difficulties of this sort can be removed.—We must not be understood to mean, that reasons should be recorded in every matter of common occurrence brought before a committee or the navy board for their determination. We are sensible that the multiplicity of business would render this impracticable; but, where questions of moment have been brought under consideration, and important measures have been decided upon, it becomes a security for the rectitude of such measures, that the circumstances and reasons leading to the decision upon them should appear in the proceedings; no room is then left for mirepresentation in after times, and the future members of the board may derive from thence a knowledge not only of the practical part of their duties, but of the grounds upon which those duties were established. (Signed)

Charles M. Pole.
Ewan Law.
John Ford.
Henry Nicholls.
W. Mackworth Praed.

Office of Naval Enquiry, Great George-street, 9th Dec. 1805.

TRANSFER OF CONTRACTS.

Having in the course of our Enquiry into the subject of this Report, required Mr. Lindegren to produce to us his account with Messrs. Thorley, Morison and co., in which he had given them credit for the proceeds of the Masts, belonging to the public, that he had received out of Portsmouth yard, we discovered some circumstances relative to the Transfer of Contracts, which we think it our duty to notice. In that account Messrs. Thorley, Morison and co. are charged with the sum of 12,000*l.* as the consideration for the Transfer to them of 3 Mast contracts with the navy board; two taken by Mr. L., and one by Mr. Samuel Sanders. The first entry is a charge of 3,000*l.*, as an allowance to Mr. L. for giving over his Mast contract in 1799. This contract was entered into by the navy board with Mr. L., on the 3d of May 1799, for the supply of Riga Masts at his maj.'s several yards. The total amount of the price of the articles contracted for was 42,644*l.*; and the sum of 3000*l.* charged by Mr. L. for the transfer of that contract, was at the rate of 7 per cent.; but we find, that not one half of the articles contracted for was delivered, owing to the restraint laid by the emperor of Russia on the exportation. The articles that were not delivered are enumerated, with their prices, in Mr. S. Sanders's contract of the 2d of May 1800, amounting to 26,534*l.* 7*s.* 0*d.* it therefore appears that the sum charged by Mr. L. for the transfer of his contract in 1799, is at the rate of 18*l.* 12*s.* 5*d.* per cent. on the amount of the Masts delivered.—The second and third entries relate to the contract entered into by the navy board with Mr. S. Sanders, on the 2d of May 1800, for supplying his maj.'s several yards with Riga Masts and Fir Timber. For the transfer of this contract, Messrs. Thorley, Morison, and co., were charged with the sum of 5,000*l.* paid to Mr. Sanders by desire of Mr. Morison, and 2000*l.* for Mr. Lindegren's allowance on that contract.—The price of the goods contracted for amounted to 150,966*l.* and the sum given by Messrs. Thorley, Morison and co. for the contract, is at the rate of 3*l.* 6*s.* 2*d.* per cent.—On questioning Mr. L. as to the charge for the allowance made him on this contract, he stated, that it was for negociating the assignment of it, and for attending the surveys and deliveries of the articles at Portsmouth and Plymouth yards; and that he performed that service pursuant to a promise he had made for that purpose. We however found that Mr. L. had been allowed the usual commission for transacting this business at Portsmouth, and that Messrs. Chapell and Hodge were employed to attend to the deliveries at Plymouth, for which they were allowed the usual commission.—It will be observed, that the terms, on which the navy board agreed with Mr. Sanders for the supply of Masts in this year, are lower than those allowed him for the Masts added to his contract, which were not delivered under Mr. L.'s contract of 1799. The reasons given by the navy board for making this addition to Mr. Sanders's contract, as well as for allowing him the prices of the contract of 1799 for the additional articles, are contained in their letter of the 29th of Oct. 1805.—The last charge in this account is a sum of 4000*l.* as the allowance to Mr. L. for giving up to Mr. Morison his Mast contract for the year 1804.—In this year, the navy board entered into a contract with Mr. L. for the supply of Masts at Portsmouth yard only, and with Messrs. Thornton, Brothers and co., for the supply of the other yards. The latter contract was taken by order and on account of Mr. John Morison of Riga.—We learned from Mr. L. that the sum, with which he had debited Messrs. Thorley, Morison and co., for the transfer of his contract, had been calculated at the rate of 3 per cent. upon the amount of his own contract, and that taken by Messrs. Thornton, Brothers and co.; that he was, at all events, to have the specific sum of 4,000*l.*, but that if the per-centage on the deliveries under both the contracts, should amount to more than that sum, he was to be paid the surplus also. This agreement appeared to us extraordinary. Whatever per-centage allowance Mr. Morison might consent to give Mr. L. upon the deliveries under his contract, in consideration of its being made over to him, we cannot see upon what ground Mr. L. could expect the same allowance, upon the contract taken by Messrs. Thornton, Brothers and co.: 3 per cent. upon the amount of these contracts make about 5,583*l.* and this sum upon the amount of Mr. Lindegren's contract only would be at the rate of nearly 7 per cent.—In our Seventh Report (see vol. 3. p. 1100) we recommended, that all persons interested in Contracts, should be named therein, and that no share or interest in contracts should be transferred, without the knowledge and approbation of the public boards. The facts here stated evince the propriety of this recommendation; and it appears to us, that it would be advantageous to the public, if persons having contracts with the public boards, were restrained from deriving any profit from the transfer of them, and were not allowed to transfer them, without first making oath that they are not to derive any emolument from the transaction. If contracts be made on such terms as to afford a fair profit to the persons contracting, the supply of the articles may be considered as certain; and it may be reasonably expected, that they will be good of their kind: but if the prices contracted for, be such as to render the profit doubtful, the supply of the articles may be precarious; and it may be apprehended that they will not be of the best quality.—If contracts are suffered to be sold or transferred without the approbation of the public boards, the advantages, which it may be expected the public would derive from contracting on liberal terms, are likely to be defeated; for although the original prices may be such as to yield a considerable profit, yet the sum required for the transfer may be so exorbitant as to render it doubtful, whether the articles can be supplied without loss by the persons to whom the contracts are transferred. (Signed)

CHARLES M. POLE.
EWAN LAW.
JOHN FORD.
HENRY NICHOLLS.
WM. MACKWORTH PRAED.

Office of Naval Enquiry, Great George-street, 9th Dec. 1805.

FIRST REPORT OF THE COMMISSIONERS FOR REVISING AND DIGESTING THE CIVIL AFFAIRS OF HIS MAJESTY'S NAVY. DATED JUNE 13, 1805.—ORDERED TO BE PRINTED, FEBRUARY 4, 1806.

TO THE KING'S MOST EXCELLENT MAJESTY.

The FIRST REPORT of the commissioners appointed to revise the system and mode of accounting for the receipt and expenditure of money and stores; and likewise the instructions and standing orders for the govt. of the civil departments of his maj.'s naval service; and to arrange and frame a regular digest of the same; having it carefully in view to adapt the mode of accounting for monies and stores, and likewise the whole body of such orders and instructions, to the present extensive scale of the naval service; and to take measures for keeping up the said system and digest in all time to come; and who were further required to take into their particular consideration, all such suggestions as have been made by the different BOARDS OF ENQUIRY AND SELECT COMMITTEE ON FINANCE, and have not yet been adopted; and to examine which of the same appear to be practicable and consistent with the good of the service, and to consider and devise the best means of carrying the same into execution, in the most convenient and expeditious manner, and to report on all the matters aforesaid from time to time as they shall see occasion.

WE have proceeded to the execution of the trust, which your maj. has been pleased to repose in us, in the order which seemed the most likely to enable us to accomplish the objects for which we were appointed. With this view we have not only considered, with great attention, the many useful suggestions in the very able Reports of the different Boards of Enquiry and Select Committee on Finance, but have deemed it necessary also, carefully to peruse all such official or other authentic documents, as could give us information concerning the administration of the civil affairs of the Navy from the earliest times.—By observing what changes have, at different times, taken place in the system of Management; what abuses have prevailed; what means have been tried to prevent their continuance; and what success has attended the measures, which on former occasions have been adopted; we thought it probable that we might receive information that would assist us in judging of the alterations which might now be necessary, to adapt the whole to the present very extensive Scale of the Naval Service; and that by comparing what was accomplished in times of the greatest exertion, by the number of Artificers and Labourers then employed, with what is now done in the royal Dock Yards, as well as by obtaining information from merchants builders of the work performed by the numbers employed in private yards; additional means might be acquired of judging of the industry of those at present in your maj.'s service. From the whole, we hoped to be able to form some estimate of what may in future be expected, and of the establishment which may, under proper regulations, be adequate to the management and support of the Naval force, which may be deemed necessary for the security of this country.—To the numerous official documents, and written or printed authorities which we have perused, we shall refer as the occasion may require, and shall therefore now only give, as briefly as we can, such a general view of the means, which, during different periods, have been taken for providing a Naval force for the defence of this country, and for the Civil government of the navy, as may render it unnecessary to be so full in those references, or in our observations upon them, as for the sake of clearness might otherwise be requisite. The whole of our Naval History may be divided into Three Periods; the *first* comprehending all that preceded the reign of Henry the 8th; the *second* ending with the restoration of Charles the 2d; and the *last*, coming down from the Restoration to the present day.

First Period.

During the First period it appears, that our kings had neither arsenals nor Dock yards: their only permanent Naval force consisted of 57 vessels, each carrying 21 men and a boy, well armed and fitted for war, which the Cinque ports were bound by their charters to furnish on 40 days' notice from the crown.* When in a case of war a greater force was required, ships were hired from merchants at home, or from those in Dantzic, Hamburgh, Lubec, Genoa, and other ports, or were fitted out from various motives by private adventurers, who shared in the advantages acquired: trading vessels, having in those times no protection from ships of war belonging to their respective governments, were necessarily armed for their own defence.

Second Period.

The foundation of the Navy of England was laid by Henry VIII. He constituted an Admiralty and a Navy Board, and during his reign, the Trinity house, and the Dock Yards at Deptford, Woolwich, and Portsmouth, were formed: the regulations which he made for the Civil govt. of Naval Affairs were, in the reign of Edward VIth, revised, arranged, and turned into ordinances which form the basis of all the subsequent instructions given to the officers, to whom the management of the Civil Affairs of the navy has been committed.—The officers then appointed were, the Vice-Admiral of England; the Master of the Ordnance; the Surveyor of the Marine Causes; the Treasurer, Comptroller, and General Surveyor of the Victualling, Clerk of the Ships, and Clerk of the Stores.—Particular duties were allotted to each member; and they were ordered to meet once a week at the office on Tower hill, to consult together for the good order of the Navy, and to report their proceedings once a month to the lord high admiral.—But the ships belonging to the crown or provided by the civil department of the navy, still formed only a part of the naval force employed in time of war. In the fleet by which the Spanish Armada was defeated there were 176 ships with 14,992 men, of which only 34 ships with 6,225 men, belonged to the crown; and this mode of adding to the Naval force by hired ships, appears to have been continued down to the end of the 17th century.—No considerable alteration in the Civil Government of the Navy took place from the reign of Edw. VI. till the year 1609; when, in consequence of many abuses which were complained of, the principal officers were suspended; and commissioners were appointed with powers to manage, settle, and put the affairs of the navy into a right course; and to take such measures as they might deem necessary to prevent the continuance of the many great frauds and abuses which prevailed. A similar commission was issued in 1618; and a very full, able, and minute report, was made by the commissioners then named, in which those frauds and abuses are detailed and explained; a very distinct account of the state of the navy, at the time, is given, as well as of its state during the four preceding reigns; and many very wise regulations are suggested.—That commission was determined upon the death of James I, but was renewed by his successor, and remained in force till 1628; when it was dissolved, and the affairs of the Navy were restored to the management of the board of principal officers, which had been established by Edward VI.—During the disturbances in the reign of Charles I, the managing officers were directed by the king to refuse obedience to the orders of parliament; and a number of ships having been carried away by prince Rupert, the naval force was by these means reduced to so low a state, that at the beginning of Cromwell's usurped govt. he had only 14 ships of war of two decks, and some of these carried only 40 guns; but under the careful management of very able men, in different commissions which he appointed, such vigorous measures were pursued, that in 5 years, though engaged within that time in war with the greatest naval power in Europe, the fleet was increased to 150 sail, of which more than a third part had two decks. The navy was indeed raised by him to a height which it had never before reached; from which, however, it again declined during the short and feeble administration of his son, at the latter part of the Second period.

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* Exton states, that "in the Admirals Commissioners of old, they are named Admirals of the Ships of the Cinque ports and other ports;" without any mention of the ships of the king. Pepys Naval Minutes, MS. p. 71.

Third Period.

On the restoration of Charles II, the duke of York was immediately appointed lord high admiral, and by his advice a committee was named to consider a plan, proposed by himself, for the future regulation of the affairs of the navy, at which the duke himself presided. In all naval affairs he appears to have acted with the advice and assistance of Mr. Samuel Pepys, who, first, held the office of Clerk of the acts, and was afterwards secretary of the Admiralty: a man of extraordinary knowledge in all that related to the business of that department, of great talents, and the most indefatigable industry. All the proceedings of the duke of York in the management of the Navy, either when he was lord high admiral, or after he came to the throne, are minutely detailed in a great number of manuscript volumes in the Pepysian library at Cambridge, of which 18 volumes have, at our desire, been sent for our perusal.—The powers which had been before granted to the commissioners of the Admiralty and the Navy Board were recalled, and the entire management was put into the hands of the duke, as lord high admiral; by whom three new commissioners were appointed to act with the treasurer of the navy, the Comptroller, the Surveyor, and the Clerk of the Acts, as principal officers and commissioners of the navy.—In 1661, those Instructions and Standing Orders for the guidance of the principal officers and commissioners of the Navy, and the superior officers in the Dock Yards, which are still in force, were sent to the Navy Board by the duke of York. These had been formed under his direction by Mr. Pepys, and have been found ever since of great use and value in the management of the Naval departments.—It appears, that after the duke's appointment great progress was very speedily made in the reparation and increase of the fleet; but on his return from his command at the end of the Dutch war which commenced in 1664, he found that, though he had authorized the Navy Board to make all the addition to their establishment which the exigencies of the war might require, yet the same careful management had not been continued during his absence. The example of zeal and industry set by Mr. Pepys in his office of Clerk of the Acts, had not been sufficient, without the presence and authority of the duke, to prevent neglect in the other departments, and the fleet and

Dock Yards had suffered greatly in consequence of it.—After minute enquiry into the circumstances, a state of the case was, by order of the duke, drawn up by Mr. Pepys and sent to the Navy Board, in which the duties of the board, and those of each member of it, taken from the Instructions before mentioned, are stated in different heads, and under each head the errors and misconduct that he discovered in the execution; requiring a written answer, in a short limited time, from each of them. The answers were given, and in reply a second paper was sent to each, pointing out what part of the charge remained unaccounted for: but finding, at the same time, that a part of the blame was justly to be imputed to the irregularity and remissness of government, particularly in the supply of money for Naval purposes, in consequence of the "deplorable condition of the King's Treasure," he continued those officers in their employments, warning them that on any new neglect they would be removed.—The duke of York remained lord high admiral till 1673, when, in consequence of the test required by parliament, to which he would not submit, he resigned; and that office was in part put in commission, and the rest retained by the king. Prince Rupert was put at the head of the commission, and Mr. Pepys was at the same time raised to the office of secretary of the king in all naval affairs, and of the Admiralty; by which means his influence was increased, the current business, by the king's direction, came to be left almost entirely to him, and, on extraordinary occasions, when the commissioners met, the duke of York assisted: the careful management which he had established, was consequently not departed from, or relaxed till 1679; at which time there were in sea-pay, and in excellent condition, 76 ships of the line, all furnished with stores for six months, 8 fire-ships; besides merchant-men, and a numerous train of ketches, smacks, yatchts, &c. with more than 12,000 seamen; there were also 30 new ships building, and a good supply of stores in the Dock Yards.—But a complete change then suddenly took place;—the loose dissipation of the king having still added to his great pecuniary difficulties, he was induced to give up the plan, which he had formerly pursued with so much zeal, of supporting and increasing the Navy, on account of the expence attending it. The duke was sent abroad, and Pepys to the Tower. A new set of men were made commissioners of the Navy, who, though of fair moral character, were without the experience, ability, or industry which that important situation requires.—All the wise regulations, formed during the administration of the duke of York, were neglected; and such supineness and waste appear to have prevailed, and at the end of not more than 5 years, when he was recalled to the office of lord high admiral, only 22 ships, none larger than a fourth rate, with 2 fire ships, were at sea;—those in harbour were quite unfit for service; even the 30 new ships which he had left building, had been suffered to fall into a state of great decay; and hardly any stores were found to remain in the Dock Yards. The first act of the duke of York on his return, was the re-appointment of Mr. Pepys, as secretary of the Admiralty; and his whole conduct on that occasion in the management of the affairs of the navy, bears the most conspicuous marks of professional knowledge, moderation, and œconomy, mixed with firmness and wisdom. He proceeded with great earnestness to the examination of the superintending officers, but gave them a year of trial, to correct the abuses which their former neglect had allowed. At the end of that year, observing no reform made, and them unequal to the task, the greatest pains were taken to find out the ablest and most intelligent men, to whose care the re-establishment of the Navy, the remedy of abuses, and the restoration of order and discipline were to be committed.—In the manuscript collections of Mr. Pepys, there is a paper prepared by the duke's command, containing a List of all the great Ship-builders in England, with their characters, in respect of fitness for the objects which he had in view. Among these, sir Anthony Dean is stated to be a man of by far the greatest abilities; one indeed, without whose assistance the proposed reform could not be made; but on being applied to, he declined the employment, his professional emoluments being greater than those offered to him. By the advice of Mr. Pepys a full compensation was given to him for the loss of those emoluments; and he was, with three others, then joined with the former principal officers in a new commission.—These new commissioners were men, in the words of Mr. Pepys, possessing "a practised know-" ledge of every part of the works and me-" thods of the Navy, both at the Board

" and in the Yards; a general mastery in " the business of accounts, vigour of mind " and approved industry and integrity;" and to each of them was committed a distinct branch of the proposed reform, for which his talents were the most suited.—Those old commissioners whose conduct had been most complained of, were not permitted to interfere in the measures of reform which the rest were instructed to pursue. They were not however displaced, no wilful transgression being laid to their charge, but were directed entirely to confine their attention to the business of a committee of accounts.—An estimate formed by Mr. Pepys for the complete repair of the Fleet and Dock Yards, and the supply of Stores, was laid before the new commissioners, in which the whole expence was limited to 400,000*l.* a year, to be supplied in weekly payments for 3 years, in which time the whole was to be completed; and this was considerably less than what had annually been expended by the former commissioners, during the few years of remissness and waste.—The commissioners, after full consideration of the plan, undertook what was proposed to them; and it appears from the very full account of the whole proceedings left by Mr. Pepys, that they performed what they had undertaken in less time than was allowed for it, and at less expence.—In 2½ years after the commissioners were appointed, the king visited the Dock Yards; and finding every thing accomplished to his satisfaction, and the whole business arranged, he dissolved the commission with marks of his high approbation, and then restored the management to the regular Boards. The commission was opened at Lady-day 1686, and was closed on the 12th of Oct. 1688; and by a list left by Mr. Pepys there were on the 18th of Dec. 1688,

Of Ships of the line, at sea, or going forth .	52
Ditto . . repaired .	41
	93
Under repair . . .	8
To be repaired . . .	3
Newly come in from Sea .	4
	108

with a considerable number of vessels of smaller size.—Those measures which had been so judiciously planned, and so ably and expeditiously executed, gave, as might be expected, the most general satisfaction. —The Revolution took place within two months after the business of the committee was completed; but the Naval Regulations were wisely left unaltered; the business of the Admiralty continued for some time to be carried on, under the immediate direction of the king, by Mr. Pepys, till the arrival of admiral Herbert and capt. Russell from the Fleet, into whose hands, he says, " he silently let it fall;" and under the system formed by the duke of York, with his aid, the civil government of our Navy has ever since been carried on.—We have stated those proceedings the more fully, not only because the system under which the civil affairs of the Navy have ever since been conducted, was then methodized and settled; but because the circumstances give very useful information, and hold out an example which well deserves attention in the present times.—The rapid decay of the fleet, and the waste of stores, during those few years of supineness, shew from experience, how essential it is to the safety of this country, that the most effectual means should be taken to guard against any negligence in the Dock Yards; and the great work of re-establishing the Fleet, and restoring order, industry, and discipline in the Dock Yards, accomplished in so short a time, by the commissioners then chosen with so much care, proves in the most convincing manner, how much depends on having the civil affairs of the Navy placed under the management of men of real ability, professional knowledge, and uninterrupted industry. And we think it our duty to recommend to govt. that, in the choice of them, no other circumstance but that of their being the fittest that can be found for the execution of the various and important duties they are to undertake, may be regarded. It is far from being our intention in what it may be our duty to propose, to depart from the principles on which those ancient regulations and orders are founded. They have stood the test of time, and have been found by long trial to be well adapted to the great objects of their institution: but those orders and regulations, though in every way suited to the state of our naval force as it then stood, have necessarily required many additions, in consequence of the vast increase of that force which has since taken place; and those additions having been occasionally made as circumstances occurred, the principles of the general system which they were meant only to extend, do not appear to have been always kept in view: different orders have been found, in certain cases, incompatible with each other; some have become obsolete, and those given to one Dock Yard have not, on all occasions, been given to the rest, though necessary to preserve uniformity in the management.—The inconvenience arising from those causes naturally increasing with the progress of time, and the extension of the service, the attention of the admiralty came at length to be necessarily called to it; and in their orders to the navy board, dated the 24th of June 1764, and 23d of June 1767, they stated, "that though the orders and instructions given for the general government of the yards and ordinaries may be sufficient for the wise purposes intended by them, yet as they are dispersed without order or method in a variety of warrants issued at different times, through a long series of years, they do not afford, in a proper and clear manner, the information necessary for the conduct of the officers and workmen of the yards; and they therefore direct the navy board to proceed immediately to arrange and digest the said orders and instructions under proper heads, so as to compose one uniform body and system out of the whole, taking care where there are any repetitions of the same order, to adopt that where the sense is most clearly explained, and best enforced;" but the arrangement thus proposed, owing to various causes, has never been carried into effect; and from the late great addition to our navy, and the accumulation of orders and instructions in consequence of it, still issued without any retrospect or systematic regularity, the evil which the admiralty had it in view to remedy, is now immensely increased; and the bringing into clear and regular order what is at present a great and undigested mass, is a work of so great magnitude and difficulty, that it could not reasonably be expected to be accomplished by a board loaded, as the navy board has been with business. Great progress was, however, made by one of our number, while he was comptroller of the navy:—a book, in which all orders and regulations, prior to the year 1786, were classed and digested under distinct heads, which he had prepared, was submitted to the perusal of the commissioners appointed in 1787, to "enquire into the fees, gratuities, perquisites, and emoluments of the several public offices, and also into the abuses that may exist in the same;" who, in their 6th report, thus express themselves, "the numerous regulations and standing orders, which have from time to time been made for the good government of the Dock Yards, require to be reviewed, put in order, and connected, so as to be referred to on every occasion;" and they add, "the navy board have, since the peace, had the measure under consideration, and a considerable progress has been made therein. We have seen and examined the mode of its execution, which we highly approve, and recommend being carried fully into effect." And the Commissioners of Naval Enquiry appointed in 1803, observe, that "the necessity of revising the instructions, and digesting the immense mass of orders, which have since been given to the officers of the yards, was seen by the late earl Howe and sir C. Middleton when they presided at the admiralty and navy boards; and the latter had made some progress in so useful a work when he quitted the navy board; but since that time the subject has not been adverted to, no steps have been taken for forwarding the work, and it seems to have been laid aside, and wholly forgotten." In another part of the same report, they add, "It is much to be regretted, that this very useful work was not accomplished, as it would have greatly facilitated the business of the Dock Yards, and afforded to the navy board a comprehensive view of the standing regulations whereby they would have been enabled to keep a better check upon the due observance of them, than in the course of this report will appear to have existed."—The Digest Book prepared in the manner approved of, and recommended by those different boards of enquiry, has been given to us; and after bestowing the fullest consideration on every part of it, making such alterations as appeared to us to be necessary, and completing it by the addition of all the orders and instructions down to the present day, we proceeded to prepare, as the subject of our First Report, the Instructions for the guidance of the Resident Commissioner, and the principal Officers of the Dock and Rope Yards; concurring, as we do, with the Commissioners of Enquiry, in thinking that there is the most occasion for them.—In those Instructions, the original plan of the Duke of York and Mr. Pepys has been followed, and forms the basis of what we have done on all the branches of duty contained in it.—We began by calling upon the commissioners of the navy to transmit to us, copies of all warrants, standing orders, and instructions, issued by their board from the earliest period to the present time; and from the collection which we received in answer to that precept, we selected all such as were connected with the duties of the principal officers of the Dock and Rope Yards, and sent them to the commissioners, requiring them forthwith to transmit them to those officers, with directions to take the same into their immediate consideration, each in his own department, and to point out what part of those orders they considered to be inconsistent with the present extended scale of the naval service, and what other instructions they might deem requisite to render the execution of their respective duties more clear and intelligible to them; desiring also that the commissioners would inform us whether they themselves considered those instructions to be sufficient for the good government of the different officers, or if they did not, that they would suggest what might further appear to them to be still necessary for that purpose.—Returns from the principal officers in the Dock Yards were sent to us by the commissioners, with an assurance, that if any thing else should occur to themselves, it should be communicated agreeably to our requisition; but no communication of that kind having been made to us, the Instructions, after incorporating what appeared useful in the suggestions from the officers in the Dock Yards, were again sent to the navy board, desiring to have their approbation, or a statement of such alterations as they would think it advisable to make; and they have since returned them to us, proposing some alterations, a part of which we have adopted.—The Officers to whom Instructions are to be given in this Report, are, the Resident Commissioners in the Dock Yards, and all those who are called Principal Officers, being, 1. The Master Attendant; 2. Master Shipwright; 3. Clerk of the Check; 4. Storekeeper; 5. Clerk of the Survey, and 6. Clerk of the Rope Yard. But there being some parts of duty in which all of them are intrusted, we have judged it necessary to prepare the following General Instructions respecting those parts, as well as Particular Instructions to each Officer. [Here follow the General Instructions for the Officers of his majesty's Dock Yards.]

The Commissioners, appointed in 1788, have observed, "That the Commissioners of the Dock Yards have not any Instructions; that they ought to be sea officers of great experience, both in the civil and military department of the navy, for which purpose they propose, that they should be chosen upon vacancies from the sea commissioners of the navy board, and that every mark of attention should be shewn them that can give consequence to their situation; but that proper instructions should be prepared for them." In these opinions we perfectly concur, and recommend that what they have proposed should be established as a Regulation never to be departed from in supplying vacancies in this very important office; and that no Resident Commissioner shall be appointed to any Dock Yard till he has acted at least one year at the board of commissioners.—The Resident Commissioner of a Dock Yard, being incorporated in the same patent with the commissioners of the navy board in London, constantly corresponds with, and acts as representative of that board, in all naval duties, enforcing the orders and regulations transmitted through him to the subordinate officers belonging to the yard at which he presides.—Excepting in cases of emergency, such as sudden demands made by the commander in chief at the port for stores or repairs to ships requiring immediate assistance, orders and instructions cannot properly originate with him, and his attention is generally confined to the execution of those received from the navy board, and the current services of the yard.—It is obvious that officers who, besides the knowledge acquired in the military department by long and active service, have, as commissioners of the navy board in London, had the means of obtaining complete information respecting all the methods of office in the civil govt. of the navy, must have had the best preparation for the due execution of the important duties attached to this situation. There is a Resident Commissioner in every one of the yards except Deptford and Woolwich, these being under the immediate inspection and controul of the navy board, and frequently visited by one or more of its professional members.—The Commissioners of Naval Enquiry appointed in 1803, in their Sixth Report, thus express themselves concerning this officer: "Though the resident commissioner has authority over all persons employed in the yard, he has no power to reward, promote, or even to cause a man to be entered into the service; and from this circumstance, although the principal, he appears to have less influence over the workmen than any other officer: this seems to us a defect in the system, as we conceive all principals should have it more or less in their power to distinguish and reward the ability, zeal, and industry, of those employed under them; and without such power, we apprehend authority will seldom be respected."—But though the Resident Commissioner has not had the power delegated to him of bestowing rewards and promotions at his own pleasure, yet, being the correspondent and representative of the board in the yard, he can at all times report to the board every proof of meritorious service, and recommend those who in his opinion are entitled to favour; and we have, in the following Instructions, made this representation of meritorious services a part of his duty.—With these means of obtaining rewards to those entitled to them, we are persuaded there is not any danger that the Resident Commissioners will not possess the chief influence which they certainly ought to have in the Dock Yards; and we do not think that the power of bestowing them can be placed more properly, or more safely, than with the board.—The following Instructions are what we think it necessary to give to this officer: [Here follow the Instructions for the Resident Commissioners at his majesty's Dock Yards.]

The various duties of the six principal officers of the Dock Yards before-mentioned will, we apprehend, be found to be sufficiently explained, and detailed with as much minuteness as can be necessary in the following Instructions, which we propose to be given to them. [Here follow the said Instructions.]

Our next Report will contain Orders and Directions for all the inferior Officers, and those will be followed by such Regulations and Instructions as we shall deem it proper to propose for the guidance of the commissioners themselves in the different boards, whose systems of management your majesty has been pleased to submit to our revision.—To prevent abuses or neglect, it is necessary that every person intrusted with an office, should be made strictly responsible for the regular execution of it. But before this necessary rule can be rigidly enforced, justice requires, that the officer should be made perfectly acquainted with all the particulars of his duty; and as it is admitted that this has not hitherto been effectually done, we thought that, in the order of proceeding in the execution of what is entrusted to us, these instructions seemed undoubtedly to call for our first attention. (Signed)

BARHAM. (L. S.)
JOHN FORDYCE. (L. S.)
ROGER CURTIS. (L. S.)
W. DOMETT. (L. S.)
AMBROSE SERLE. (L. S.)

Office of Naval Revision,
June 13th, 1805.

REPORT FROM THE COMMITTEE APPOINTED TO DRAW UP ARTICLES OF IMPEACHMENT AGAINST HENRY LORD VISCOUNT MELVILLE. PRESENTED TO THE HOUSE OF COMMONS 4th MARCH, 1806.

The Committee appointed to draw up articles of Impeachment against Henry Lord Visc. Melville; and who were impowered to report such further matters as shall have come to their knowledge in the course of the examinations taken before them, with respect to the conduct of the said Lord Visc. Melville, during the time that he held the Office of Treasurer of his Majesty's Navy; have agreed to the following Report.

Your committee have already reported to the house several articles of impeachment against Henry lord viscount Melville, which they considered it their duty to prepare without delay, upon the circumstances and transactions disclosed in the reports referred to them.—They have since applied themselves to the further investigation of the matters contained in those reports, and having obtained much new and material information which in the judgement of your committee will make it necessary to prefer an additional article or additional articles of impeachment against lord Melville, they think it their duty previously to submit the same to the consideration of the house.—The attention of your committee has been particularly directed to a sum of 10,000*l.* in which lord Melville stated himself to be indebted to the navy pay office, when Mr. Trotter was first appointed paymaster in Jan. 1786. How, when, and for what purposes this sum of 10,000*l.* originally came into the possession of lord Melville, is left by the reports referred to your committee wholly uncertain. It was manifest that it must have been received by lord Melville, prior to the appointment of Mr. Trotter; and as the former paymaster (the late Mr. Andrew Douglas) executed that office during the whole of lord Melville's first treasurership, and so much of the second as preceded Mr. Trotter's appointment; your committee thought it expedient to call for and inspect all such books, papers, and accounts of the late Mr. Douglas, relating to the navy pay office, as could be produced to them. Many of these were found in the possession of his widow, and the examination of them has, in the estimation of your committee, brought to light very important matter; the truth of which is confirmed by information derived from other sources.—It is already known to the house that lord Melville was first appointed treasurer of the navy on the 19th of Aug. 1782, and that by a warrant dated the 23d of Oct. 1782, his salary was increased to the net sum of 4,000*l.*, "in full of all wages and fees, and "other profits and emoluments theretofore "enjoyed by other treasurers of the navy."—It now appears that lord Melville on the 20th of Aug. 1782, (the day after he first entered upon his office) constituted Mr. Andrew Douglas his paymaster; and that on the same day Mr. Douglas paid to the account of lord Melville at his bankers, Messrs. Drummonds, the sum of 1,000*l.* But as this advance seems to have been made to lord Melville from the private funds of Mr. Douglas, it is here noticed by your committee only to explain in part the subsequent transactions.—Your committee find, that until the 6th of Nov. 1782, all the money issued from the exchequer to the treasurer of the navy for naval services, was regularly paid upon his account as treasurer of the navy to the bank of England, whose clerks appear to have attended at the exchequer to receive it. On the 6th of Nov. 1782, this course of proceeding seems to have been, for the first time, departed from, there having been on that day 45,000*l.* issued from the exchequer to the treasurer of the navy for naval services, of which sum only 40,000*l.* was paid to his account at the bank, the remaining 5,000*l.* being, by the treasurer's order, deposited by the paymaster in an iron chest, then kept in the office cash room, and called by him the treasurer's iron chest.——On the 22d of the same month the sum of 50,000*l.* was issued from the exchequer to the treasurer of the navy, of which only 47,000*l.* was paid to his account at the bank, the remaining 3,000*l.* being placed as before in the iron chest.—On the 19th of Dec. 1782, a further issue of 93,830*l.* 6*s.* 10*d.* was made from the exchequer to the treasurer of the navy; of which only 90,830*l.* 6*s.* 10*d.* was paid to his account at the bank, the remaining 3,000*l.* being in like manner taken to the iron chest.—On the 2d of Jan. 1783, there was deposited in the iron chest the further sum of 5,000*l.* which was that day received from the then Mr. Welbore Ellis's ex-treasurership, in repayment of an advance to that amount which had been made to that ex-treasurership from lord Melville's account at the bank, in compliance with a minute of the navy board of the 30th of Nov. 1782.—The payments made into this iron chest on or before the 2d of Jan. 1783, stand therefore as follows; viz.

1782. Nov. 6.	From the Excheq. - -	£5,000
22.	From ditto - - - - -	3,000
Dec. 19.	From ditto - - - - -	3,000
1783. Jan. 2.	From Mr. Ellis's Treasurership - - - - - -	5,000
	Making in the whole -	£16,000

How this sum of 16,000*l.* so issued to the treasurer of the navy for naval services and by his order placed in his iron chest instead of being lodged in the bank, was, in the first instance, disposed of, is fully explained by the accounts and papers of Mr. Douglas.—By these it appears, that on the 11th of Nov. 1782, five days after the first deposit in the iron chest, Mr. Douglas the paymaster, delivered to lord Melville, upon his receipt, 500*l.* and on the following day 2,000*l.* more. On the 22d of the same month 1,000*l.* more was in like manner delivered by him to lord Melville, and on the 25th the further sum of 3,000*l.*—On the 19th of Dec. following the additional sums of 1,000*l.* and of 3,000*l.* were also delivered by the paymaster, to or for the use of lord Melville, upon his receipt; making, with the former sums, 10,500*l.*; respecting the particulars of which, Mr. Douglas appears to have at this time made a statement to, and come to a settlement upon, with lord Melville.—On the 4th of Jan. 1783, there remained in the iron chest 5,500*l.*; from which the sum of 3,000*l.* was on that day taken and paid to Mr. Jellicoe (then deputy paymaster) towards his office payments, leaving in the chest a residue of only 2,500*l.*; the whole of which residue was, on the 5th of April, 1783. delivered by Mr. Douglas to lord Melville, upon his receipt.—Of the 16,000*l.* that was so deposited in the iron chest, it appears therefore that only 3,000*l.* was afterwards paid out for naval services to sub-accountants, the remaining 13,000*l.* having been paid to lord Melville, upon his receipt as under; viz.

1782. Nov. 11.	From the chest to Lord Melville - - - - - - -	500
12.	Do. - - - - - - - -	2,000
22.	Do. - - - - - - - -	1,000
25.	Do. - - - - - - - -	3,000
Dec. 19.	Do. - - - - - - - -	1,000
—	Do. - - - - - - - -	3,000
1783. April 5,	Do. - - - - - - - -	2,500
	Making in the whole	£13,000

In which sum of 13,000*l.* lord Melville thus stood indebted to the public on the 5th of April, 1783.—On the 10th of that month lord Melville resigned his situation of treasurer of the navy, without having discharged any part of that debt, and leaving the balance of his treasurer's account at the bank deficient to the amount of the aforesaid sum of 13,000*l.*—On the 14th of April, 1783, four days after his resignation, this deficiency was further increased by a draft drawn on that day by Mr. Douglas, upon the then ex-treasurership account at the bank, for 10,000*l.* which though made payable to Mr. Jellicoe or bearer, was not, as it appears, delivered to Mr. Jellicoe, but was paid to lord Melville, upon his receipt; making the deficiency in his ex-treasurership account at the bank, or, in other words, his debt to the public, amount to 23,000*l.*—And accordingly it is found, at the end of the same month, viz. 30th of April, 1713, the office balance

Against lord Melville was - -	£89,408	12	3
And the bank balance in his favour only - - - - - - - - - -	66,408	12	3
Being deficient by - - - -	23,000	0	0

The whole of this 23,000*l.* appears to have remained due from lord Melville until the 24th of June, 1783, when the reduction of it was begun by a payment of 1,000*l.* made by Mr. A. Gray (a clerk in the navy pay office) to lord Melville's ex-treasurership account, at the bank.——Between that time and the 31st of July, 1783, several similar payments were made by Mr. Gray, and by a commercial house then trading under the firm of Mure and Atkinson, amounting in the whole to 15,400*l.* and reducing the debt of lord Melville from 23,000*l.* to 7,600*l.*—The dates and sums of these payments will be seen in the following account:

Dr. - Lord Melville - Cr.

1783:		£.	1783:		£.
April 14.	To Bank Balance	23,000	June 24.	By Gray	1,000
			July 7.	By Atkinson -	5,000
			11.	By Gray	1,400
			12.	By Atkinson -	6,000
			31.	By Do.	2,000
					15,400
				By Balance	7,600
		23,000			23,000

From the 31st July, 1783, until after lord Melville's re-appointment to the office in Jan. 1784, he remained indebted to the account of his ex-treasurership at the bank in the above sum of 7,600*l.* and no reduction of it took place until the 13th of March, 1784, when a sum of 2,000*l.* was drawn out from his then second treasurership account at the bank, and placed to his credit there in the account of his first, or ex-treasurership. On the 24th of April, 1784, the sum of 1,000*l.*; on the 17th of June, 1784, the sum of 1,500*l.*; and on the first of March 1785, another sum of 1,500*l.* were in like manner transferred at the bank from the account of the second to that of the first treasurership of lord Melville, making in the whole 6,000*l.*; and reducing the deficiency in the bank balance of his first treasurership to the sum of 1,600*l.* but at the same time creating one of 6,000*l.* in the bank balance of his second treasurership; so that the gross amount of the public money withheld by lord Melville from the bank, in this respect, still remained the same; viz. 7,600*l.* ——It appears, however, that in the mean time, on the 20th of Aug. 1784, Mr. Douglas, the paymaster, drew from the account of the second treasurership at the bank the sum of 2,000*l.* for the use of lord Melville; and on the 25th of May, 1785, a similar transaction took place to the same amount; by which means lord Melville became on that day indebted to the account of his second treasurership at the bank as well in the sum of 6,000*l.* before stated to have been transferred from it to the account of the first treasurership, as in the sum of 4,000*l.* drawn from it for private use, making together the sum of 10,000*l.*——The whole of this sum of 10,000*l.* and also the sum of 1,600*l.* due to the account of the first treasurership, continued unpaid by lord Melville until the 6th of October 1785, when the 10,000*l.* deficiency was reduced to 9,000*l.* by a payment of 1,000*l.* (then due to lord Melville for a quarter's salary) being made to the account of the second treasurership at the bank. From that time until after the death of Mr. Douglas, in Dec. 1785, and the appointment of Mr. Trotter to succeed him in Jan. 1786, the deficiency continued unaltered, and there was due from lord Melville to the public 1,600*l.* in respect of his first, or ex-treasurership, and 9,000*l.* in respect of his second treasurership, making together the sum of 10,600*l.* Upon this statement it is evident that lord Melville had in his hands, when Mr. Trotter was appointed pay-master, 10,600*l.* of the public money, which had been withdrawn from the bank; and that the sum of 10,000*l.* which lord Melville told Mr. Trotter was due from him to the account of the second treasurership, was not a debt arising from any specific sum taken from that or the former treasurership, but was, with the addition of 600*l.* the undischarged residue of 27,000*l.* taken by him at several times from the public money; 23,000*l.* of it being originally taken from the issues to the first treasurership, and the remaining 4,000*l.* being taken from those made to the second.—At what times, and under what circumstances, the sums composing this 27,000*l.* originally came into the possession of lord Melville, your committee have thus been able to ascertain. For what further purposes they were withdrawn, and what uses lord Melville afterwards made of them, they cannot in every particular at present fully state to the house. But a part is found to have been paid to lord Melville's private account at his bankers, Messrs. Drummonds, and 1,000*l.* to have been applied on the 19th of Dec. 1782, in repayment of the sum before stated to have been advanced to his lordship by Mr. Douglas the day after his first appointment to the office. Other sums appear to have formed items of account between lord Melville and Mr. Gray, who, as already observed, was a clerk in the navy pay-office, and was, as your committee are informed, in the frequent habit of making pecuniary advances to lord Melville.—The application of the large sum of 10,000*l.* which was withdrawn on the 14th of April, 1783, by a draft in favour of Mr. Jellicoe, your committee have been able to trace; and it appears to have been used by lord Melville as a loan to the house of Muir and Atkinson, with whom he kept an account, and who appear to have been at that time in need of assistance. This advance will be found to have been more than discharged before the end of three months, by the repayments made by that house on the 7th and 12th July, 1783, to lord Melville's ex-treasurership account at the bank.—The use made of some of the smaller sums withdrawn, your committee have not yet discovered; but being strongly impressed with the importance of the facts now laid before the house, and apprehensive that the articles of impeachment, which were prepared before they were in possession of this information, are not so framed as to admit full evidence of all the circumstances herein detailed, they have endeavoured to discharge their duty by stating them to the house as the ground of a further article to be added to those already preferred.

APPENDIX.

No. 1.—*Copy of an Account taken from a Book belonging to the late Andrew Douglas, Esq. Paymaster of the Navy during the first Treasurership of Lord Viscount Melville; and from the commencement of his second Treasurership to Mr. Douglas's decease in Dec.* 1785.

The Right Hon. Henry Dundas, Lord Advocate, Treasurer of his Majesty's Navy. His account with And. Douglas.

1782.				
Aug. 10.	To cash paid Messrs. R. and H. Drummond, and Co. per Receipt - -	£.1,000	0	0
Sept. 23.	To Sol. Dyson's disbursements on the patent and entry at 5 offices, per acct.	123	3	3
Nov. 6.	Fees, &c. on the King's Warrant for treasurer's salary to be made up nett 4,000*l.* a year - - - -	10	11	0
	Entry of ditto at the 2 auditors of accounts and at the Navy Office, one guinea each - - - - -	5	5	0
Sept. 10.	Entry of letter of attorney at the Exch., the Pells, and the Treasury	2	12	0
Nov. 22.	Two warrants for 2 does at half a guinea each -	1	1	0
		1142	12	9
Dec. 19.	Received per my rect. in consequence of his lordship's rect. out of the office iron chest - - -	1000	0	0
Remains per acct. delivered - -		142	12	9

No. 2.—*Copy of another Account from the same Book.*

Rt. Hon. H. Dundas, Treasurer of the Navy, his iron chest in the office cash-room.

Nov. 6.	Lodged in the iron chest by the treasurer's order, part of this day's receipt in the Excheq. for the use of the navy - - - -				5000	0	0
Nov. 10.	Delivered to the tr. per his receipt	500	0	0			

Date	Particulars	£ s. d.	£ s. d.
Nov. 12.	Delivered to the tr. per his receipt	2000 0 0	2500 0 0
	Remain		2500 0 0
—— 22.	Delivered to the treasurer per his receipt		1000 0 0
			1500 0 0
—— 25.	Lodged in the iron chest by the treasurer's order, part of this day's receipt for the use of the navy at the Exch.		3000 0 0
			4500 0 0
—— 25.	Delivered to the treasurer per his receipt		3000 0 0
			1500 0 0
Dec. 19.	Delivered to the treasurer per his receipt		1000 0 0
			500 0 0
	Lodged in the iron chest, part of this day's receipt at the Excheq. for the navy		3000 0 0
			3500 0 0
	Delivered to the treasurer per his receipt		3000 0 0
—— 20.	The above state was this day delivered, signed, to the treasurer, the remaining balance agreed in		500 0 0

Date	Particulars	£ s. d.	£ s. d.
1783.			
Jan. 2.	Lodged in the iron chest, received from trshp. of Mr. Ellis, for like sum transferred at Plymouth		5000 0 0
			5500 0 0
—— 4.	Delivered to Mr. Jellicoe towards his office payments per his receipt		3000 0 0
Apr. 5.	Delivered to the treasurer this remainder as per receipt		2500 0 0
—— 5.	Total as above delivered to the treasurer		13000 0 0
—— 14.	Draft on the Bank to A. Jellicoe, Esq. and paid to the treasurer, per receipt		10000 0 0
	Total borrowed from office cash		23000 0 0
June 24.	Paid back by Mr. Grey	1000 0 0	
July 7.	Paid back by Mr. Atkinson	5000 0 0	
—— 11.	Paid back by Mr. Grey	1400 0 0	
—— 12.	Paid back by Mr. Atkinson	6000 0 0	
—— 31.	Paid back by Mr. Atkinson	2000 0 0	15400 0 0
	Remains		7600 0 0

No. 3.—*Copy of another Account from the same Book.*

Abstract State, &c.

1783.
April 14. Borrowed per acct. of this date - - - - - - - - - - - - - - - 23000 0 0

Of which, Repayments made to the Bank; viz.

Date	Particulars	£ s. d.	£ s. d.
1783.			
June 24.	By Mr. Grey	1000 0 0	
July 7.	By Mr. Atkinson	5000 0 0	
—— 12.	By Mr. Grey	1400 0 0	
. .	By Mr. Atkinson	6000 0 0	
—— 31.	By Mr. Atkinson	2000 0 0	15400 0 0
1784.			
June 30.	Unpaid remainder		7600 0 0

Date	Particulars	£ s. d.
	Balance per office cash book this day agreed	
1804.		
June 30.	1st treasurership	3108 12 3
	2d treasurership	26343 7 5
		29451 19 8

Particulars	£ s. d.
Unpaid remainder as above	7600 0 0
In Bank, per bank book this day	
Agreed 1st treasurership	8 12 3
2d treasurership	21843 7 5
	£. 29451 19 8

Nos. 4, 5, and 6. *Statements of the Monthly Balances remaining in the Hands of Lord Melville as Treasurer of the Navy, and accounting for the Deficiencies in the Cash at the Bank, and were found amongst Mr. Douglas's Papers.*

No. 4.—*State of the Balances in the Bank, in the second Treasurership of the Right Hon. Henry Dundas, June 30, 1784.*

Paymaster's branch				4281	0	0
Cashier's do.				13414	0	9
Victualling do.				8648	6	8
				26343	7	5
Cash in Bank	21843	7	5			
Transferred at sundry times to 1st trshp.	4500	0	0			
	£. 26343	7	5			

No. 5.—*State of the Bank Account in the Treasurership of the Right Hon. Henry Dundas, March* 31, 1805.

Paymaster's branch				£. 5972	16	4
Cashier's do.				22192	19	7
Victualling do.				15352	10	9
Exd. p' F. Cooke.				43518	6	8
In Bank				35518	6	8
Sundry transfers from this to the 1st trshp. vide account of 30 June, 1784	4500	0	0			
Transfer from this to 1st trshp. on 1st inst.	1500	0	0			
				6000	0	0
Draft on the Bank of 20 Aug. last				2000	0	0
				£. 43518	6	8

No. 6.—*State of the Bank Account in the 2d Treasurership of the Right Hon. Henry Dundas, May* 31, 1785.

Paymaster's branch	£.19832	16	4
Cashier's do.	54773	19	11
Victualling do.	13352	10	9
Exd. p' F. Cooke.	£.87959	7	0

£.77959	7	0	In Bank
6000	0	0	Sundry transfers from this to old account; vide account of 31 March 1784*.
2000	0	0	Draft on the Bank of 20 Aug. 1784.
2000	0	0	Draft on the Bank of 25 May, 1785.
£.87959	7	0	

* This date is evidently a mistake; it should be 1785, as appears by the preceding account, No. 5.

No: 7.——*The following Account is extracted from the Books of Mure and Atkinson.*

Dr. Lord Advocate of Scotland, in Accot. Currt. with Mure and Co. Cr.

1780. Apr. To Balce. of Col. Dundas's acct.	£.634	18	0
1781. May 31. To cash paid his dft. dated 22d inst.	300	0	0
Aug. 20. To do. pd. his dft. to Mr. Spottiswood	300	0	0
Dec. 3. To do. pd. do. to Jas. Newbigging	300	0	0
1782. Jan. 28. To do. pd. do. to do.	500	0	0
June 15. To do. pd. Mr. Bell dft. dated 11th inst.	1200	0	0
July 30. To do. pd. Ph. Dundas's bill to G. Urquhart	113	18	9
Aug. 5. To do. pd. his dft. to W. Bell	100	0	0
12. To do. pd. him	100	0	0
21. To do. pd. Ph. Dundas's dft.	30	0	0
31. To do. pd. do. bill to J. and D. Webster	182	0	0
Sept. 17. To do. pd. his order to W. Bell	200	0	0
26. To do. pd. do. dft. to Bell and Rannie	500	0	0
28. To do. pd. do. bill to W. Bell	300	0	0
Oct. 15. To do. pd. do. dft. to Sir W. Forbes and Co.	500	0	0
19. To do. pd. do. to W. Bell	500	0	0
Nov. 29. To int. on Col. Dundas's acct. to 11th Sept. last	130	14	4
To cash for balance pd. him	11	0	7
1783. Jan. 27. To do. pd. him	400	0	0
Apr. 30. To do. pd. Capt. Dundas dft. dated 19th inst.	600	0	0

1782. Sept. 10. By cash recd. from R. Atkinson				3900	0	0
Nov. 16. By do. recd. from R. A.'s dft. on Smith and Co.				2002	11	3
1783. Apr. 17. By do. recd. from him				10000	0	0
19. By do. recd. from A. Gray				936	0	0
May 16. By do. recd. from Col. Dundas				600	0	0
June 12. By bills recd. from him on Coutts and Co. viz.						
Due 20 July	2000	0	0			
30 —	2000	0	0			
9 Aug.	2840	0	0			
				6840	0	0

	£.	s.	d.		£.	s.	d.
May 21. To do. pd. him the sum recd. 19 April	936	0	0				
June 30. To do. pd. do. dft. dated 5th inst.	400	0	0				
July 2. To do. pd. the Bank on his acct.	5000	0	0				
11. To do. pd. do.	6000	0	0				
31. To do. pd. do.	2000	0	0				
Dec. 31. To do. pd. dft. to Mr. Bell	300	0	0				
1784. July 12. To do. pd. him	2000	0	0				
1785. Feb. 15. To bills payable for H. Dundas's bill	600	0	0				
To balance	140	0	0				
	£. 24278	11	8	*Henry Callender*	£. 24278	11	8

THE FIRST REPORT OF THE COMMISSIONERS OF MILITARY ENQUIRY, APPOINTED BY AN ACT OF THE 45TH YEAR OF THE REIGN OF HIS PRESENT MAJESTY, CAP. 47; INTITULED,

"An Act to appoint Commissioners to enquire and examine into the Public Expenditure, and the Conduct of Public Business, in the Military Departments therein mentioned; and to report such Observations as shall occur to them for correcting or preventing any Abuses and Irregularities, and for the better conducting and managing the Business of the said Departments."

ORDERED TO BE PRINTED 21ST MARCH, 1806.

THE OFFICE OF THE BARRACK-MASTER-GENERAL: ARREARS OF BARRACK OFFICE ACCOUNTS.

THE act from which we derive our appointment, received the royal assent on the 5th of June last; but circumstances, which it is needless to state, prevented our proceeding on the duties imposed on us, before the beginning of the following month.—Our first object of deliberation was, to fix on the department with which to commence our labours; for although the legislature had been sufficiently explicit in enumerating the subjects of our enquiries, it had not directed the course and order of them. A variety of considerations determined us to begin with enquiring into the conduct of the Barrack department. It was known, that its expenditure had been very great, and that its operations had been various and exceedingly extensive; yet that no scrutiny had been made into its conduct, except by the select committee of the house of commons appointed, in 1797, to examine into the public expenditure; who, in their 20th Report, stated the result of their enquiries into this department; but the recentness of the institution did not permit that hon. committee to form an opinion on the propriety and expediency of the regulations under which it was then conducted, or of recommending others for its future conduct; in this respect, therefore, it differed much from the other departments enumerated in the act. It was known, too, that lieut.-gen. De Lancey, by whom the institution had been originally formed, and by whom it had been for above ten years conducted, and who could consequently best give the explanations which might be required relating to it, had been lately obliged, by the ill state of his health, to resign the office of Barrack-master-general; it was also understood, that the accounts of the Barrack-office were greatly in arrear. These were among the reasons which determined us in a selection of the Barrack department as the first subject of our investigation.—We entered on this enquiry with an anxious wish to justify the expectations which might have been formed from our appointment; and having divided the subject into the following heads; viz. the Establishment of the Barrack Office; the Supplies and Stores; the Buildings; and, lastly, the Accounts;—we have sedulously applied ourselves to obtain the requisite information on each of them. It would have been matter of satisfaction to us, could we have made such a progress in each of these branches, as would have enabled us to form a correct judgment on the whole that relates to them, and to have comprized it in one report: but as we proceeded, we felt that this could not be accomplished. We are fully empowered, indeed, by the statute, to obtain all the information we may think fit to require, and every document which we have hitherto wanted from the Barrack and other offices, has been readily furnished; nor have we found any unwillingness in any person whom we have examined, to answer every question which we have thought proper to propose; but we were so little conversant with some parts of the subject, (particularly with that which relates to Buildings, in which it appeared that nearly half of the great sums issued to the late Barrack-master-general had been expended,) and we sustained so considerable a check to our proceedings, in the sudden death of our active and valuable colleague colonel Beckwith, that, although we have collected a great quantity of information, we confess we have not yet obtained such a comprehensive view of the whole subject as would justify us in giving a decided opinion on the conduct which has been observed, or on the regulations which may be wanted in every branch of the Barrack department.—Having, however, made such progress in our investigation into what relates to the Accounts of the late Barrack-master-general, as to see the great embarrassment in which they are involved, and the pressing necessity of some prompt and effectual steps being adopted to accelerate their final settlement, we have thought it our duty, without interrupting our enquiries into the other branches of the department, to select, The Accounts of the late Barrack-master-general; and, The Impediments which have arisen in auditing them, as a subject which appears to us of sufficient moment to deserve an immediate and distinct report; more especially as our attention is particularly directed by the act to any delay which may have arisen in auditing the public accounts, and as those of the Barrack department are connected with transactions which call (in our opinion) for immediate notice. We might add, that these accounts embrace a period of 12 years, from 1792 to 1804, and the particulars of an expenditure to the amount of upwards of 9,000,000*l.*; that 10 years have been occupied in official discussions respecting the form and place of examination; and that the arrangements, which have been ultimately made, appear to us to be insufficient to accomplish their settlement in any moderate space of time. To detail all the circumstances connected with these accounts, will not perhaps be required of us; provided we state those which are most prominent, and are sufficient for a correct comprehension of the subject. With this view we propose, 1. To epitomize the History of the Establishment of the Barrack department: 2. To state the mode of receiving and issuing money for Barrack services, and the balances in the hands of the treasurer and others; which will lead to some observations on the state of the Books of Account in the Barrack-office: 3. To enter into some detail respecting the immediate causes of the delay which has arisen in auditing the late Barrack-master-general's accounts; and, lastly, To suggest such measures as appear to us best calculated to afford a speedy remedy.

HISTORY OF THE ESTABLISHMENT OF THE BARRACK DEPARTMENT.

Before the present Barrack department was established, Barracks were built under the direction of the Board of Ordnance, by whom also they were supplied with bedding and utensils; but the articles which were termed Extraordinary, were under the management of the Secretary at War. This system prevailed until the middle of 1792, when the situation of public affairs induced his majesty's ministers to give orders to build, with the utmost dispatch, Cavalry Barracks in various parts of the kingdom; and col. De Lancey, then dep. adj.-gen. to his majesty's forces, was requested to undertake the arrangement of this business. Col. De Lancey accordingly proceeded to the towns pointed out, where he purchased or hired land, and settled the business so as to be executed under the care and direction of the officers commanding regiments quartered in those towns, who were to correspond with the secretary at war (sir George Yonge, bart.) on the subject, and to draw for whatever money might be necessary for the buildings; and having done this, col. De Lancey considered that he was no longer responsible for, nor connected with the business, and returned to his duty as dep. adj.-gen.—This measure of govt. was no sooner public, than applications were made from different towns for Barracks, and as these papers were referred to col. De Lancey, he made out a general arrangement of Barracks, according to the customary distribution of troops in the country, in order that govt. might judge, when applications were received for Barracks, how far it was or was not expedient to comply therewith. This plan was laid before ministers by the secretary at war (sir George Yonge); and col. De Lancey received orders to carry the whole thereof into immediate execution. This happened in the early part of 1793; and from that period, orders were given from time to time for the erection of Barracks, both permanent and temporary, in various quarters of the kingdom.—Col. De Lancey, seeing that the building of Barracks was going on to a great extent, and that there were no existing regulations to govern and controul the system, required and obtained an authority for his proceedings, in a letter of service, dated Jan. 1, 1793, by which he was appointed Superintendant-general of Barracks; and on the 1st of May, 1793, a warrant was issued for their regulation.—This was the commencement of any regular arrangement respecting the new Barracks; but a more particular insight into the nature of the business convinced col. De Lancey, that further Regulations were absolutely necessary; and on the 30th of May, 1794, a warrant was issued by his majesty, countersigned by the secretary at war, in which was given more extensive authority to col. De Lancey, who was now appointed to the office of Barrack-master-general to the forces, with the pay of 2*l.* a day on the establishment, and 2*l.* extra-allowance. These powers were soon found to militate against privileges which had been granted to the Board of Ordnance, and much difficulty being thereby occasioned, it was, after some considerable deliberation, determined that a line should be drawn between the two departments; in consequence of which, a new warrant was issued by his majesty, and countersigned by one of the principal secretaries of state on the 24th of March, 1795, defining the powers of the Barrack-master-general, and those of the Board of Ordnance; under which warrant, lieut.-gen. De Lancey appears to have acted in all the subsequent transactions which he has been called upon, as Barrack-master-general, to direct or superintend.

MODE OF RECEIVING AND ISSUING MONEY.

From the time that col. De Lancey was appointed superitendant-general of Barracks, in the year 1793, issues of money for Barrack services ceased to be made to regimental agents, and were made to him as superintendant of Barracks. The mode observed in making these issues, was this: The secretary at war directed the paymaster-general to pay to col. De Lancey, or to the Barrack agent or treasurer, on his account, such sums as appeared necessary for the current service; which sums so advanced by the paymaster-general, were directed by the secretary at war to be deducted from the warrants that would be afterwards issued by the War-office for the specific expenditure, when ascertained. Afterwards, in 1794, regular estimates of the sums wanted for services previously authorized, were given in at stated periods by the Barrack-master-general to the secretary at war, who, having included them in his official estimates of the extraordinaries of the army annually laid before parliament, directed such portion to be issued by the paymaster-general from time to time, as major-gen. De Lancey applied for by official requisition; the secretary at war's letters for these advances always expressing that the sums so advanced were to be "deducted out of the Warrants which shall be granted for this service." This clause does not, as we understand, discharge the Barrack-master-general of any responsibility until the warrants alluded to are granted; and the operation of these, when granted, depends upon their tenour. But the introduction of this clause is not unusual, (although the precedent is not of long standing,) and whenever used, may be construed to imply that a warrant is meant to be granted at a future period, to cover the whole of the sums issued under the authority of these letters of the secretary at war, which in the present instance would have been in conformity to the 23d sect. of his maj.'s warrant for the regulation of Barracks, dated 24th March, 1795; in which it is expressly provided, that "The Barrack-master-general shall, from time to time, receive imprests of money for the current services of each year, upon estimates signed by him, and delivered into the office of our secretary at war; and at the end of each year, he shall make up and deliver into the said office, a general Account of Barrack Expenditures for the preceding twelve months; the half-yearly accounts of the several Barrack-masters, and the accounts of other persons to whom moneys shall have been paid within the period on behalf of the Barrack department, (for the propriety, justness, and accuracy of which, as also for their strict conformity to our regulations, he shall be held responsible,) together with their acquittances, shall be the vouchers upon which the said general accounts shall be passed, and warrants shall be made out accordingly for our royal sign manual.—The money thus placed in the hands of the Barrack treasurer, has been drawn out either by the drafts of the Barrack-master-general, or more generally by bills (accepted according to the course of the office) drawn by various persons for services performed. The drafts of the late Barrack-master-general do not appear to have been subject to any controul, and the first knowledge which the accountant had of them, was from the treasurer's book. Of the acceptances, a register was kept in the Barrack office, by which the treasurer's book, sent weekly to the Barrack office, was regularly checked.—On the resignation of lieut.-gen. De Lancey, in Nov. 1804, many new regulations were introduced into the Barrack department by the lords of the treasury, of which we shall take notice hereafter; and, amongst others, the office of Treasurer was suppressed; since which change, the cash has been kept at the bank of England. At the period of suppression (in Feb. 1805) the treasurer had in his hands 16,814*l.* 19*s.* 7*d.* of which sum, 12,000*l.* was paid into the bank by him on 31st Dec. 1804, in pursuance of the order of the secretary at war; 2,398*l.* 2*s.* 6*d.* part of the balance of 4,814*l.* 19*s.* 7*d.* was paid into the bank on the 11th of Feb. 1806; and the treasurer informs us, that he will pay in the remaining sum of 2,416*l.* 17*s.* 1*d.* as soon as the advance of 1,465*l.* 3*s.* 9*d.* made by him for the Artificers' company at Gibraltar, shall have been repaid him.—During the time Mr. Greenwood acted as agent or treasurer to the Barrack-office, the balances in his hands on the account of the late Barrack-master-general appear to have been very considerable, varying from 10 or 20 to 50 and 60 thousand pounds, and in some instances, in 1803, to have amounted to 100,000*l.*; the accounts have fluctuated however very rapidly, and occasionally the funds have been wholly exhausted, and the treasurer in advance.—It is easy to ascertain the amount of the balances at any stated periods, but it would be a work of considerable labour to determine whether they have exceeded a just and prudent provision for the payments to be made within any limited period. We entered on this investigation, and pursued it to a certain extent; but we have not deemed it expedient to carry it through, as, whatever might be the result, it could produce no practical benefit. The Barrack-master-general, though he furnished the information, on which, funds were provided, did not interfere with the issues, which were regulated between the lords of the treasury and the agent; and moreover, it is stated to us by Mr. Greenwood, that no advantage, to his knowledge, was made by the Barrack-master-general of these balances, while he acted as treasurer.—It occurs to us, however, that, if the sums requisite for the service of the department had been issued monthly, the balances must of necessity have been considerable. Estimating the expenditure, previous to 1803, at an average of 800,000*l.* per annum, the monthly proportion would be upwards of 65,000*l.*; this sum paid to the agent at the commencement, and exhausted at the end of the month, would leave an average balance of 32,500*l.* In 1803, the expenditure exceeded 150,000*l.* per month, which, on the same data, would leave an average balance of 75,000*l.*; and in the early part of each month, a much larger sum would appear in hand on the face of the account. It does not seem that the money was provided exactly in this mode; the issues appear to have been more frequent, and in proportion as they became so, the average balances of course were less.—Whilst examining into the balances of money in the hands of the treasurer, we, for the purpose of ascertaining what balances might be due from other persons in the Barrack department, called for the ledgers of the office; but from these, no information on this head could be obtained. The payments made, appeared to be regularly charged to the accounts to which they respectively belonged: but, singular as it may seem, these are not added up, nor the amounts brought forward from prior to subsequent ledgers; neither are there any entries on the credit-side of the accounts, with the exception of those accounts which the death or removal of a party has made it requisite to close; the ledgers therefore were totally useless for the purpose for which we required them; they are mere registers of payments, offering no results, and could not, in case the vouchers should be lost, or by accident destroyed, afford any light to justify or exonerate the variety of persons who have been connected with the Barrack department: but it must not hence be inferred, that payments have been made without reference to the service performed; it appears, on the contrary, that care has in general been taken in this respect. The accounts of the Barrack-masters have been periodically received, and, after a certain degree of examination, the balances have been paid; but the accountant of the Barrack-office thinks that all these accounts, subsequent to June 24, 1794, not already finally examined, must undergo a final examination before they can form a part of lieut.-gen. De Lancey's accounts. Builders have received payments in proportion only as their work advanced. But the accountant himself can assign no sufficient reason for the present imperfect state of the ledgers; and the fact is, that we cannot hence learn whether any, and what, balances are due to the public, from any persons connected with the Barrack department. We are induced, however, to think, from the information we have acquired from various sources, of the course of business in the Barrack office, that (exclusive of the Treasurer) the Barrack-master-general and the agent employed in the purchase of Stores and Supplies, are the only persons to whom money has been advanced in such mode as to render it probable that it may have exceeded the service performed. The issues to this agent, and the state of his cash account, have engaged our attention, and will be noticed in a future report. He ceased to be employed in Sept. 1804, and the balance is now in his favour; yet (like others) he has received no credits in the office ledgers for articles furnished, and stands charged in them with nearly a million, being the amount of the payments made to him in the course of 10 years. There are no accounts in the Barrack-office to justify the payments to the late Barrack-master-general, and his account in the office-ledgers is therefore an exception to a preceding remark, that payments have not in general been made without reference to services performed. There are, it is true, certain entries made to the credit of the late Barrack-master-general, under circumstances which the accountant has fully explained; but as the documents delivered in by the late Barrack-master-general, if such they could be called, have been withdrawn by him, the entries must be considered as of no effect; they afforded us at least no information. But, that we might ascertain the balance, if any, which was due from the late Barrack-master-general to the public, we required from him an account of the appropriation of the sum of 135,128*l.* 4*s.* 10*d.* which he admits to have drawn on his own account, from the period of his appointment in 1793, to that of his resignation in Nov. 1804. In answer to the precept of the board, lieut.-gen. De Lancey furnished us with certain statements and accounts, from which there results a balance due to the public of 6,865*l.* 4*s.*, being so much which lieut.-gen. De Lancey has drawn from the treasurer beyond the amount which he states to be due to him; but, on reference to the items of these accounts, it appears to us that a much larger sum is due to the public. Lieut.-gen. De Lancey takes credit in every year for allowances and emoluments under three heads:—1. his pay as Barrack-master-general, and general officer on the staff; 2. his travelling expences; 3. his contingencies for additional charge and responsibility upon unsettled accounts, at one per cent. on the expenditure of the Barrack department in each year. The two first heads have been made subjects of enquiry, and the observations which may arise on them will be hereafter noticed; the third is the transaction to which we have before alluded; and it is of so important and singular a nature, that we have been greatly influenced by the considerations which arise on it, to make this partial report. The lieut.-gen. informs us, that he takes credit for this sum on account of contingent charges, such as, "upon the making up and settling his accounts, he shall bring against the public;"—and in an explanatory paper on this subject, he adds, "that, feeling most acutely the critical situation in which he has been placed, not only with respect to the losses to which he must be subjected from the mode to be applied to the settlement of his accounts, but likewise from the delay which has taken place, and which has deprived him of the means of recovering disallowances from the subordinate accountants; he therefore, in order to indemnify himself from losses which may arise upon the settlement of his accounts, found himself under the necessity of availing himself of the authority granted to him of making contingent charges, and stating a sum in his contingent account for additional charge and responsibility to which in justice he ought not to have been subjected." Admitting that losses are likely to accrue, and for the cause assigned, it yet does not occur to us that lieut.-gen. De Lancey can indemnify himself against such losses or disallowances, by appropriating to himself so considerable a sum of the public money; since this appropriation must, in passing his accounts, be disallowed equally with any other charges for which no voucher nor authority is produced. It is observable that lieut.-gen. De Lancey introduced a similar charge of 1*l.* 1*s.* per cent. on the Barrack expenditure into his early accounts, submitted to examination at the War-office in 1795: which charge, from the year 1794, he justifies on the ground that the "War-office had charged him with large sums which he had never received;" and for the period previous to 1794, on the ground, that he considered his "increased responsibility to take place "from the commencement of his account." But the fact of the introduction of this charge at a time when no delay had occurred; its being afterwards withdrawn from the accounts which were passed at the War-office, (withdrawn, as he states, by himself, that "no delay might have taken place in the settlement of his accounts, by any questions arising"); and his total silence on this subject in any communications made by him to the select committee of finance in 1797, tend to invalidate the reasons adduced in its justification; and lieut.-gen. De Lancey not shewing any authority for this charge, amounting to 88,923*l.*, we are of opinion that this sum should be added to his acknowledged balance of 6865*l.* 4*s.* before mentioned, and the total amount repaid without delay to the account of the present Barrack-master-general at the bank of England.—It further appears to us, that there is an error in lieut.-gen. De Lancey's personal account, the correction of which will add to this balance. Lieut.-gen. De Lancey takes credit for 1570*l.* 1*s.*, the amount of a warrant granted him by the War-office for his pay and allowances for the year 1793; these charges are already included in the two first items of his account, and amount to 1,626*l.* 16*s.*; which credit must therefore be cancelled, and added to the balance; making the total sum due by lieut.-gen. De Lancey to the public, 97,415*l.* The appropriation of so large a sum to an unauthorised use, and especially of so great a proportion of it in the last 10 months of lieut.-gen. De Lancey's holding the office of Barrack-master-general, afforded strong grounds to presume that the statements given in by the Barrack-office, on which the lords of the treasury proceeded in the issues of money for Barrack services, were not the correct documents we should have expected them to be; and our enquiries have justified this presumption. The current services were provided for by monthly statements, and the extra or unforeseen services by subsequent requisitions or estimates; but the existing balances in the hands of the treasurer were no where noticed, nor was any allowance or deduction made for sums received for rent of canteens, and sale of dung, and re-payments to a considerable amount. It is obvious, therefore, how funds have been found to answer the drafts of lieut.-gen. De Lancey on his personal account; and by reference to Mr. Greenwood's examination, it will be seen in what manner a part of the sums drawn by him in the years 1803 and 1804, has been appropriated. The allusion of lieut.-gen. De Lancey to delay in passing his accounts, will now be more fully explained. Wherever the blame may attach, the fact is certain, the evil is great, and it is proportionably important to provide a speedy remedy.

CAUSES OF DELAY.

In conformity to the 23d clause of his maj.'s warrants for regulation of Barracks above recited, which directed the Barrack-master-general to deliver into the office of the secretary at war annually a general account of Barrack expenditure for the preceding 12 months, col. De Lancey (then become a major-general) delivered in 1795, into the office of his maj.'s secretary at war, the accounts of his department for 1792, 1793, and to 24th June 1794. The accounts of 1792, it will be recollected, relate to a period when lieut.-gen. De Lancey does not consider himself as responsible; the payments were then made by officers commanding regiments at the quarters near which the Barracks were erecting, who drew for the same on their respective regimental agents, to whom moneys were advanced by the paymaster-general, in consequence of particular directions from the secretary at war; and the introduction of these payments, viz. 48,661*l.* 7*s.* 6*d.* into the accounts of col. De Lancey, was, by orders from the secretary at war, dated Sept. 17, 1794, without any previous communication with col. De Lancey on the subject; and the vouchers for these expenditures were at the same time directed by the same authority to be lodged in the Barack-office. These accounts of the late Barrack-master-general underwent a cursory examination at the War-office by Mr.

Tayler, at that time examiner of army accounts. Major-gen. De Lancey had introduced therein a charge of 1*l.* 1*s.* per cent. on the general expenditure of the department; but, for the reason which he alledges in his examination, he afterwards withdrew these accounts, and again delivered them with this charge expunged. The War-office, as he says, separated his contingent accounts from those of general service; and his accounts for pay and contingencies to Dec. 24, 1793, were examined and passed there, and covered by a warrant, the amount of which, viz. 1,570*l.* 1*s.* lieut.-gen. De Lancey received Sept. 11, 1801; and those for the following year were also passed by the secretary at war, as appears by his letter of Nov. 5, 1801, wherein lieut.-gen. De Lancey is authorized to charge the amount, being 3,515*l.* 2*s.* 9*d.* against the moneys issued to him on account of the Barrack department; but the examination of the accounts for the general service of the Barrack department appears to have been suspended, on the ground that these accounts, when settled at the War-office, were to be subject to the further examination of the commissioners for auditing the public accounts. We were anxious to have this matter elucidated by Mr. Tayler himself; but on enquiry, we were informed, that the state of his health would not permit his being examined by the board; and as his successor can throw no light on this subject, all we can ascertain is what appears in the examination of lieut.-gen. De Lancey; who therein states, that the examiner of army accounts, when pressed to close the Barrack-office accounts then before him, declined proceeding therein, saying, "he would not settle any accounts where his operations were not final;" and here commence the delay and embarrassments in the auditing of the late Barrack-master-general's accounts, which have prevailed with little alteration from that period (1795) to the present moment. Although no progress was made in the examination of the Barrack accounts, the public departments which had become officially connected with its concerns, proceeded regularly in their duties; in consequence of which, the paymaster-general, finding no warrant issued by the secretary at war to cover the payments made to col. De Lancey for Barrack services, as promised in the letters or orders directing those payments, returned, in his certificates from Dec. 25, 1792, to Dec. 24, 1794, col. De Lancey as a public accountant for 223,472*l.* 18*s.* to the auditors of public accounts, who thereupon called on col. De Lancey Dec. 23, 1795, to give into their office his accounts, attested in the usual form. Colonel (now major-gen.) De Lancey, in reply to the auditors, inclosed, Feb. 17, 1796, a copy of his majesty's warrant for the regulation of Barracks, dated March 24, 1795, pointing out to their attention the 23d clause of the warrant, by which the Barrack-master-general was directed to deliver into the office of the secretary at war his accounts for settlement in that office. To this communication the auditors paid no further regard than to repeat on the 25th Feb. 1796, their former demand, alledging that, large sums having been impressed to him, it became their duty to call on him for an account, which they expected would be delivered with all convenient dispatch. Upon the receipt of the second letter from the auditors, major-gen. De Lancey addressed himself to the secretary at war communicating the preceding correspondence, and requesting instructions how he should act; stating that his accounts for a considerable part of the sum mentioned, were already in the war-office, in order to be examined, conformably to his maj.'s warrant: but if the regulations under which till then he had acted, were to be set aside, he intreated that he might be furnished with such instructions, from the office that was to settle his accounts, as would enable him to procure such documents as might be required; hoping that the footing on which he was to be placed as Barrack-master-general, both with respect to incurring expence, and to the passing of the accounts of subordinate accountants, and the degree of responsibility he should be subject to with regard to their expenditures, might be fully and clearly defined. This letter was dated April 5, 1796; and on the 7th of April, the then secretary at war (Mr. Windham) submitted it, with its enclosures, to the lords commissioners of his majesty's treasury. In June, the auditors having received a special report on major-gen. De Lancey's case from one of their inspectors, dated May 31, 1796, informed major-gen. De Lancey, on the 23d of June, 1796, that, upon a full consideration of the nature of his office, and of the mode in which money had been impressed to him, and of the manner of accounting for Barrack expenditures, as stated in the 23d section of his majesty's warrant for regulating the Affairs of Barracks, they excused him, for the present, under those instructions, from delivering his accounts into their office; but recommended his losing no time in delivering them into the War-office for examination in the manner stated in the warrant, and in obtaining warrants thereon, without which, they acquaint him, he must remain an insuper accountant. The requisition of the auditors being withdrawn, major-gen. De Lancey, on the 7th of July, 1796, acquainted the secretary at war therewith, informing him that his accounts, to June 1794, were already in the War-office; that those to Dec. 1794, were ready for delivery; and that those for the year 1795, were in such forwardness, that they would be delivered in a short time; pressing the secretary at war to take the necessary steps to have the accounts settled with as little delay as possible, and thereby relieve him from this great additional weight of responsibility. The secretary at war not having received (as it appears) any answer from the treasury to his letter of April 7, 1796, wrote again to their lordships on the 29th of August, 1796; but no notice seems to have been taken of these communications until March 1, 1797; when, the lords commissioners of his maj.'s treasury, on a full deliberation on the subject (as appears by their lordships' minute of that date) decided that the auditors did right in calling on major-gen. De Lancey to deliver his accounts into their office; and directed them to call on him accordingly; which the auditors obeyed in their letter of March 17, 1797, requiring major-gen. De Lancey to give in his accounts to their office before the 11th of April following. To comply with these directions, major-gen. De Lancey withdrew his accounts from the War-office, where they had remained nearly two years; and having made up his accounts as superintendant of Barracks for one year, from Dec. 25, 1792, to Dec. 24, 1793, delivered this account into the auditor's office on the 18th of May, 1797. No time appears to have been lost in commencing the examination of this account; and on the 9th of August following, the observations and queries arising thereon were sent by the auditors to major-gen. De Lancey for explanation. The major-general, thinking a conference with the auditors respecting these queries would save much trouble to the auditors, as well as to all persons concerned with his accounts, solicited and obtained an interview with the board on this subject on Oct. 25, 1797; on which occasion he not only gave a personal explanation of the matters to which the queries related, but requested to lay before the board an history of the nature of the Barrack-department from its first formation, conceiving it would tend to expedite the settlement of his accounts. This detail was forwarded to the auditors on Jan. 5, 1798; and in November following, the major-gen. sent a supplementary account, explaining the mode by which the Barrack accounts were examined and settled at the Barrack-office, and describing the duties of the various officers, particularly with respect to their checking and controlling the expenditure. In May 1799, the auditors, having in the preceding April received another report from one of their inspectors, on the answers of major-gen. De Lancey to the observations and queries on his accounts, requested to see major-gen. De Lancey again on this subject. The difficulties which had hitherto impeded the examination of the Barrack accounts, appear chiefly to have arisen from doubts respecting the powers of the Barrack-master-general; and from the accounts before the auditors containing payments, for which (according to the usual practice of their office) the persons receiving the same would be declared insupers. But, understanding from the explanation given by major-gen. De Lancey at the last interview, May 3, 1799, when he stated the mode observed in his office, of examining and checking the general expenditures of his department, that his accounts for the subsequent years would consist of complete vouchers for services and expenditures examined and liquidated, the auditors, on the 8th of May, 1799, consented that major-gen. De Lancey should withdraw his accounts from Dec. 25, 1792, to Dec. 24, 1793; but they at the same time desired the major-gen. to prepare another account, including the one returned, and continuing it for as many subsequent years as he could make it up. In December 1800, major-gen. De Lancey delivered into the auditor's office his accounts made up in the new form, for the years 1793, 1794, and to 24th Dec. 1795. It may not be improper here to observe, that the effect produced on these accounts by the adoption of the mode of making them up, prescribed by the auditors, was to render major-gen. De Lancey an apparent debtor for 983,331*l.* 17*s.* 7*d.*;

when, as he states, there was nothing more in the hands of the agent than what was necessary for the current service. This balance was occasioned by the rejection of all sums paid on account of services not wholly performed. These accounts were submitted to the Inspectors of the auditor's office, who, on Jan. 20, 1802, made their report thereon to the board; the purport of which was, that the queries which had arisen on the accounts when first delivered, were done away by subsequent proceedings, excepting two, relating to the commission charged by the person employed by the Barrack-master-general to purchase Barrack supplies, and the necessity of the Barrack-master-general delivering, with his accounts, a Store account. On these subjects, the auditors wrote to lieut.-gen. De Lancey on the 22d Jan. 1802. The first point appears to have been soon settled; but in regard to the Store account, the auditors, after some ineffectual correspondence on the subject, came to a resolution, Feb. 17, 1802, That, in order to enable the Barrack-master-general to pass his accounts at their office, it must be supported by a general account of the cash and stores received and issued by the several Barrack-masters, accompanied by the necessary vouchers, for which the Barrack-master-general was considered as accountable to their office. This demand of the auditors produced another conference, on the 5th of March, 1802, between the Board and the late Barrack-master-general, on the nature of the accounts expected from him, and on the degree of responsibility supposed to be attached to his office; when the board requested the lieut.-gen. to state the substance of his explanations on these subjects in writing. In May (as it appears) the Barrack-master general's accounts had been examined in the Auditor's office, as far as they could be in the undecided state of the questions respecting his responsibility and powers; but the lieut.-gen. not having yet complied with the late requisition of the board, the auditors on the 24th of May reminded him of their wishes to receive his statement in writing, which, owing to official business, in consequence of the peace, the lieut.-gen. was prevented giving before July: on the 17th of that month, lieut.-gen. De Lancey repeated in writing the substance of what he had verbally stated at the last interview on the subject of his responsibility, and what he conceived to be the duty of the Barrack-master-general, inclosing four statements, shewing the manner in which the very extensive duties of his department were executed. This last conference, and the lieut-gen.'s letter of 17th July, 1802, were not without their effects, though some time elapsed before they were acted upon. In October 1803, the auditors adopted the following resolution, which, on the 26th of the same month, they communicated officially to the lords commissioners of his maj.'s treasury, viz. "That the examination of lieut.-gen. De Lancey's accounts as Barrack-master-general having been commenced in their office, in pursuance of their lordships' minute of 1st March, 1707, and proceeded on at different intervals, the board had found the accounts and vouchers to be of such a nature as to be incapable of receiving a satisfactory investigation, consistently with those strict rules and regulations which governed the proceedings of the auditor's office: but were of opinion, that the War-office alone was competent to undertake an early and effectual investigation of the same, by reference to muster rolls, &c. in the custody of the secretary at war, and which it was impossible to suppose he could conveniently part with for examination at the auditor's office, as they are daily wanted at his own for objects equally important:" at the same time the board gave it as their opinion, "that it was the intention of government, in framing the warrant for the regulation of Barracks in 1795, that the accounts of the Barrack-master-general should be annually made up, and delivered into the office of the secretary at war for his examination, as prescribed by the 23d section thereof; that this mode of proceeding was analogous to that observed with respect to the accounts of the treasurer of the navy, whose accounts are examined by the commissioners of the navy; but should their lordships be of opinion that the Barrack accounts must be minutely examined, as well as passed in the auditor's office, the board submitted that they were of such magnitude, and so complicated, that notwithstanding the late increase of the establishment of the auditor's office, a speedy examination of them was impracticable:" concluding with deeming it to be their duty to desire their lordships to reconsider their minute of 1st March, 1797, and to signify their pleasure thereon previously to any further proceedings being had on these accounts in the auditor's office. Dec. 22, 1803, the treasury replied to the preceding letter of the auditors, stating, that on consideration of the subject, they thought themselves bound by the act of 25 Geo. III. c. 52. to direct, that the Barrack-master-general's accounts be examined by the auditor's board. On receipt of this letter, the auditors, Jan. 4, 1804, acquainted lieut.-gen. De Lancey of their having, on consideration of his letter of 17th July, 1802, fully stated his case to the lords commissioners of his maj.'s treasury, but that their lordships had directed them to proceed in the examination of his accounts; which accordingly they had ordered to be prosecuted with all convenient dispatch. In consequence of this determination, lieut.-gen. De Lancey, on 6th Jan. 1804, requested that the auditors would send back all the accounts, statements, and returns, which had been forwarded with his letter of July 17, 1802, for its elucidation. Feb. 27, 1804, the auditors, having again deliberated on the whole matter respecting lieut.-gen. De Lancey's accounts, and on all which had passed concerning them, informed lieut.-gen. De Lancey, first, that the accounts and returns which he requested in his letter of 6th Jan. should be returned to him; and secondly, that his accounts were under examination. They further informed lieut.-gen. De Lancey, that they should feel it their duty to require that the accounts of the Barrack-master-general, subsequent to March 24, 1795, (the date of his maj.'s last warrant,) or so soon after that date as the warrant could be applied to the Barrack expenditure, should be examined and approved by the secretary at war, as prescribed by the 23d section of the said warrant. The auditors having at length decided that the accounts of the Barrack-master-general, for the period after March 24, 1795, were to be examined at the War-office, lieut.-gen. De Lancey, March 6, 1804, enquired of the auditors whether it was expected that he should proceed in making up his accounts from Dec. 25, 1795, (to which period they had been sent to the auditor's office,) and deliver them into the War-office. To this letter the auditors replied, March 9, 1804; saying, that the lieut.-gen. was to give his accounts from March 25, 1795, into the War-office, there to undergo an examination, as prescribed by the warrant, previously to their being delivered into the auditor's office. Before the lieut.-gen. sent his accounts to the War-office, he deemed it proper to apprise the secretary at war of the last decision of the auditors; and with this view communicated, with a letter of March 19, 1804, copies of the correspondence between himself and the auditors from July 17, 1802, to March 9, 1804. April 2, the secretary at war forwarded the lieut.-gen.'s letter of March 19, with its enclosures, to the lords commissioners of his maj.'s treasury; who, on the 19th of April, referred the whole to the auditors for their consideration and report. The subject being thus again brought before the auditors, the board, on the 27th of April, 1804, made a special report thereon to the treasury to the following purport:—The auditors first called their lordships' attention to their report of Oct. 26, 1803; but observing that, on receiving their lordships' decisive order of Dec. 22, 1803, the board had proceeded in their examination of the Barrack-accounts; that they had perused his maj.'s warrant of March 24, 1795; and presuming, on a full consideration of the subject, that their lordships could not intend to supersede the express directions contained in the warrant under his maj.'s royal sign manual, the board had therefore requested lieut.-gen. De Lancey to withdraw his accounts from their office, in order to their being submitted to such previous examination by the secretary at war, as was prescribed by the above warrant; yielding the most perfect obedience to their lordships' directions with regard to the ultimate audit of the Barrack-master-general's accounts in their office; that the board still retained their opinion recited in their report of Oct. 26, 1803, of the expediency of the previous examination in the War-office, which would both facilitate and render more efficacious the ultimate examination; recommending to their lordships to signify their pleasure, that the Barrack accounts should be examined under the directions of the secretary at war, previously to their being delivered for final examination into their office. The treasury, on receiving this representation, were pleased to approve of the arrangements proposed by the auditors; and on the 9th of May, 1804, communicated them officially to the secretary at war, who applied, May 11, 1804, to the auditors for an explanation of the nature of the previous examination which was recommended by the auditors, and enquiring to what objects their subsequent and final investigation would be directed. July 27, 1804, the auditors, in answer, acquainted the secretary at war (Mr. William Dundas), that all articles in the Barrack-master-general's accounts, relating to Troops in Barracks or Hospitals, and to the receipt and expenditure of every kind of stores, should be completely examined by the War-office; and that all articles relating to the receipt and expenditure of cash should be examined by the auditors: but if any articles occurred which did not fall under one or other of these divisions, (and they were not at that time aware of there being any,) the board relied on the secretary at war's giving directions for their being examined in the War-office. Aug. 1, 1804, the secretary at war forwarded a copy of this letter to lieut.-gen. De Lancey; directing the lieut.-gen. at the same time to withdraw his accounts (subsequent to March 24, 1795,) from the auditor's office, and deliver them into the War-office for the purpose of being examined in the manner pointed out by the auditors: but lieut.-gen. De Lancey was no sooner acquainted with this arrangement of a two-fold examination, than he objected most strongly to the measure. In a letter of Aug. 19, 1804, he represented to the secretary at war that the mode proposed was not only incompatible with the stipulations made with him under a strong and formal compact, but also impracticable; requesting, that as his majesty's warrant was ultimately resorted to, after seven years of delay, the whole of his accounts might be examined, in conformity with the instructions of the warrant under the direction of the secretary at war, who was best acquainted with the necessity and difficulties of the measures he had to execute. This remonstrance does not appear to have produced any change in the determinations of the public offices; and three months afterwards, Nov. 9, 1804, lieut.-gen. De Lancey resigned the situation of Barrack-master-general, in which he was succeeded by lieut.-gen. Hewett. Lieut.-gen. De Lancey on this event received official directions to make up his accounts to the day of his resignation; and the assistance that was to be taken from the Barrack-office for this object, now became a subject of discussion between lieut.-gen. De Lancey, his successor, and the public offices. In the mean time, lieut.-gen. De Lancey withdrew his accounts from the auditor's office, and, in Feb. 1805, delivered them (as directed) into the War-office, even those prior as well as those subsequent to March 24, 1795. So that the whole of his accounts which had been so long lodged with the auditors were withdrawn, and delivered into the War-office. Upon the Barrack accounts being again deposited with the secretary at war, it became a matter of discussion, by what means a prompt examination of them might be most effectually procured. It was apprehended that the pressure of the current business in the War-office would not allow it to undertake such an important increase of business without additional aid; but before any augmentation of the establishment was determined upon, the secretary at war deemed it adviseable to enquire what progress had been made in the preparation of lieut.-gen. De Lancey's accounts for the years subsequent to 1795, and when it might be expected that the same would be delivered in for examination. This application was made to lieut.-gen. De Lancey, April 6, 1805; but the lieut.-gen. apprehending that the then secretary at war (Mr. William Dundas) was unacquainted with the circumstances relating to his accounts, which we have so fully detailed, communicated a statement of them to him in a letter dated April 14, 1805; at the conclusion of this letter the lieut.-gen. observed, that the making up of the accounts subsequent to 1795, must depend on the information he gained from the settlement of those accounts then before the War-office; and also on the assistance the treasury might be pleased to afford him from the Barrack-office for this purpose; the extent of which the lieut.-gen. fully described in his letter to the secretary at war. The discussion concerning this assistance which lieut.-gen. De Lancey was to receive from the Barrack office being still continued, the secretary at war thought proper to suspend the measures which he had in contemplation respecting the examination of the Barrack-office accounts. At length, after a correspondence (scarcely less voluminous than that already abstracted) on the subject of the assistance to be afforded to lieut.-gen. De Lancey in making up his accounts, it was determined by the lords commissioners of the treasury in July 1805, that the accountant of the Barrack-office (who had been in this situation from the commencement of the establishment, and who continued to act in the same capacity under the new Barrack-master-general) should, with three clerks, be employed in the business. It has been proposed, however, by the present Barrack-master-general, and agreed to by the lords of the treasury, that anterior to Mr. Stanbank's engaging in this employment, he shall make up a portion of the Barrack-office accounts, from Nov. 10, 1804, (the day on which lieut.-gen. Hewett entered on his office) to June 24, 1805. From the information thus collected, it appears that the late Barrack-master-general's accounts to Dec. 24, 1795, are now in the War-office; where, considering the examination they have already undergone in the auditor's office, it may be presumed that they might be soon brought to a settlement; but it is stated that the examination is not now proceeding, because, until lieut.-gen. De Lancey can fix a time for delivering in his accounts of the succeeding years, the secretary at war cannot determine whether to augment his present establishment, or to form a separate department for the express purpose of examining the Barrack accounts. We learn further, that when the examination of any part of the accounts for the years succeeding the 24th of December, 1795, shall have been concluded in the War-office, and the accounts so examined shall have been remitted to the auditor's office for their subsequent examination, it will be indispensibly necessary to form a new department in that office also, consisting of from 4 to 6 persons, for the same express purpose; but the time when this shall happen, must certainly be very distant; for, the accountant, Mr. Stanbank, tells us, (in which he is confirmed by lieut.-gen. Hewett,) that the accounts of the present Barrack-master-general to June 24, 1805, cannot be completed before the spring of the present year,* until which event, he is not to be permitted to undertake the arrangement of those of the Barrack-master-general; and he apprehends that it will require perhaps three if not four years for himself, and two or three efficient clerks, to arrange and put them into form fit for official examination.

MEASURES PROPOSED FOR A SPEEDY SETTLEMENT OF THE ACCOUNTS.

Such is the history of the accounts of the late Barrack-master-general, and of the impediments which have prevented the auditing of them. It might be thought a waste of time to make those observations on these singular proceedings which so obviously present themselves, or to enquire further into the causes which have involved these accounts in their present embarrassment; and as measures are already adopted by the treasury to obviate a recurrence of such delay in future, we conceive it to be our duty, instead of attaching blame, to suggest what occurs to us as the best mode of remedying the present inconveniencies. The speedy settlement of accounts so circumstanced, has been the subject of our anxious consideration; the difficulty we have felt has been to suggest any mode of promoting their final audit, without relinquishing a due examination of them; but before we suggest any thing, it is fit that we should consider the sufficiency of the mode now determined on for passing lieut.-gen. De Lancey's accounts, viz. by a reference to the War-office for the examination of the articles which relate to the receipt and expenditure of stores and supplies, and to the auditors of public accounts, of those articles which relate to the receipt and expenditure of cash. If there were no other objection to this mode of dividing the examination than the confusion and delay which will arise from it, this alone in the present case would be sufficient; for the magnitude of the expenditure, and the possibility of great disallowances (even in the late Barrack-master-general's own apprehension) combine with the infirm state of his health to make a speedy investigation of these accounts extremely desirable, as well for his own relief as for the security of the public; besides, we are not aware of any change of circumstances which render the forms of the auditor's office more applicable to these accounts now than heretofore; nor are we satisfied that the War-office possesses any peculiar competency to examine the items relating to the receipt and issues of stores and supplies; this at least is the opinion of the examiner of army accounts, although the auditor's office seems to think otherwise; and we may add, that in auditing these accounts it appears the investigation of authorities, and the propriety of the discretion exercised by the late Barrack-master-general, will form a principal feature in the enquiry (as it has already done before the auditors); and that therefore persons not invested with powers specially applicable to this case, will be constantly checked in their progress, and will be often compelled (greatly to the delay of their proceedings) to resort to higher authority for directions.—It is no trivial objection to the mode proposed by the auditors, of passing these accounts, that the very numerous vouchers attendant upon them must be removed, first to the War-office, and then to the office of the auditors; and that the accountant of the Barrack-office, who is to be employed at that office to arrange these accounts, is considered by the late Barrack-master-general as the only person competent to afford the explanation which will be required for their elucidation. Lieut.-gen. De Lancey is, as has been already stated, dissatisfied with this divided examination determined on by the lords of his maj.'s treasury; and on the whole, we cannot consider it as an adequate remedy for the evils produced by ten years of indecision and delay. Under these circumstances we have no hesitation in recommending a reference of lieut.-gen. De Lancey's accounts to some persons specially appointed to investigate them, with powers adequate to that object. What we have to suggest, nevertheless, must be considered as applicable only to the particular accounts under consideration, (viz. the accounts from Dec. 24, 1792, to Nov. 10, 1804,) which, from the circumstances we have already detailed, have become so much in arrear, as to make it almost a matter of necessity to deviate from the usual forms of passing them, however well adapted such forms may be to the passing of the current accounts of the Barrack-office.—It will be seen, from what we have already stated, that the ledgers and accounts of the Barrack-office are not yet in a state to be examined by any board, to whose final inspection they may be referred. The accounts of the several Barrack-masters, and the other sub-accounts, are the documents from which the ledgers must be made up; a small part only of these has as yet undergone a final examination by the accountant, and this examination is stated by him to be requisite, before the items of which they are composed can be inserted in lieut.-gen. De Lancey's accounts, and the sub-accounts brought forward as his vouchers. When this work shall have been completed, and lieut.-gen. De Lancey's accounts shall have been made up and delivered in, these sub-accounts, as the vouchers on which his discharges are founded, must in course be re-examined by those to whom the final audit shall be committed; if this be not done (to a certain extent at least), the audit is in a great measure useless; if it be done, the same work is gone through twice, and the last and most important examination cannot commence until the previous one is completed, for which a period of three or four years has been stated (as we have already observed) to be necessary. We consider it therefore of great importance, that any plan we suggest to facilitate the speedy passing of these accounts, should obviate this difficulty, by combining in one the two great operations of previous examination and final audit. Viewing it in this light, we for some time had it in contemplation to have recommended a special commission for this purpose to be appointed under the authority of the legislature, and to be invested with either defined or discretionary powers for deciding on the authorities for the expenditure; and we still think such a measure should be resorted to, if no other means can be found sufficiently efficacious, in a case which certainly requires a deviation from accustomed forms. But it has since occurred to us, that sufficient powers already exist in the lords commissioners of his maj.'s treasury to accomplish this object, without having recourse to the extraordinary interference of the legislature. This indeed will impose on the lords commissioners of the treasury a necessity of re-considering the resolution adopted May 9, 1804, and of framing some other directions in lieu thereof.—We propose then, That the establishment already assigned by the lords of the treasury, for the purpose of completing lieut.-gen. De Lancey's accounts, shall be placed under the direction and controul of two persons, to be appointed by the secretary at war, with the concurrence of the lords of the treasury, for the purpose of auditing these accounts.—That these persons shall immediately proceed with that establishment to the examination of the sub-accounts, and the formation of the general account of the late Barrack-master-general.—To effect this, we conceive they will find it expedient to ascertain, 1. that the agent (or treasurer) has charged himself with all sums issued for the Barrack services by the paymaster of the forces; 2. that every payment by which he has discharged himself, has been placed to the debit of some other account in the ledgers of the office.—To ascertain the application of these sums, the persons to be appointed to audit the late Barrack-master-general's accounts, will call for the successive accounts and vouchers of the parties to whom they are charged; these they will examine with the accountant, and having certified at the foot thereof the sum for which they admit the same, will enter the amount, with the name, date, and a sufficient description, in a register, to be kept for that purpose, from whence it may be posted by the clerks into the ledgers. When all the vouchers shall have been gone through, the total amount of such sums allowed, added together in the register, and compared with the total of sums received, will shew the balance (if any) unaccounted for by the late Barrack-master-general; and the ledgers will point out on which accounts the deficiencies have arisen. We are of opinion that this examination should be made with reference to his maj.'s instructions for the regulation of Barracks, and that wherever accounts are found vouched or certified agreeably to these instructions, they should be admitted; that wherever the late Barrack-master-general shall have departed from or gone beyond the letter of his instructions, the persons appointed to examine the accounts shall have power finally to determine on the propriety of such departure; and to obviate any delays which might arise from a difference of opinion between two persons, or from those which might be occasioned by an objection on the part of lieut.-gen. De Lancey to submit to their decision, we should recommend that, in either case, the secretary at war should be referred to, and that his determination should be final. And we should further propose, that the persons appointed to audit these accounts be required from time to time (at intervals, not exceeding three months) to report to the secretary at war the total amount of sums allowed by them in lieut.-gen. De Lancey's accounts, to the intent that he may procure a warrant under the royal sign manual for such sum, conformably to the regulations contained in the 23d section of his maj.'s warrant, March 24, 1795.—It would be for the consideration of the lords of the treasury, in framing instructions for the persons appointed to examine these accounts, how far the examinations which certain accounts have already undergone in the Barrack-office should be deemed satisfactory; the builders' accounts, for instance, as far as they have been settled in the office, appear to have been minutely examined, and the prices fixed by the proper officers of the Barrack department; but we are not yet prepared to say that sufficient care has in all cases been taken to check the measurement, or to ascertain the actual expenditure of articles charged; here, therefore, there is perhaps room for fraud, and for which, if discovered, the builders would still be liable: in passing such accounts it will be more important to ascertain the sufficiency of the principle adopted in checking the account, than to engage in a re-examination of the items of the calculation. The Barrack-master's accounts have been transmitted half-yearly, and their balances paid on the authority of the late Barrack-master-general; but it appears, that a part only of these accounts have been finally examined, and those not taken up in any certain order, or according to particular periods; much discretion has been probably exercised by lieut.-gen. De Lancey in allowing charges in these accounts, but for the propriety of them the Barrack-masters themselves can be no longer responsible, although the late Barrack-master-general may be held so. The store accounts are yet differently circumstanced; admitting for the moment that any improper expenditure of stores has taken place, yet if the issues have been made on the certificates of commanding officers, as prescribed in his maj.'s regulations, neither the Barrack-master-general, nor the Barrack-masters, can be justly considered accountable. If this be allowed, however proper it may be to investigate this branch of expenditure with other views, it will be sufficient for the Barrack-master-general, in order to pass his accounts, to produce the certificates of the issues. In some cases, it will be more important to ascertain the sufficiency of the authority on which money has been expended, than the fact of its actual expenditure. Should it be thought fit to define exactly the line of duty of the persons to be specially named for the purpose of passing the late Barrack-master-general's accounts, all these, and perhaps many more circumstances, which do not immediately occur to us, should be considered, and instructions given accordingly; but it would be more desirable, we conceive, to govern their conduct only by general principles, and leave the application of them to their discretion.—We have the less hesitation in recommending a special appointment of persons to audit the late Barrack-master-general's accounts, because we consider that it would be, even in the first instance, economical, and certainly an eventual saving, by the increased dispatch which might be expected from it. It has been already stated, that an addition of three clerks, with one accountant, whose salary is 800*l.* a year, is requisite in the Barrack-office; that an important augmentation to the establishment of the War-office must be made, whenever these accounts are taken up by that office; and the inspector-general of the auditors' office has stated to us, that a large addition to their establishment would be requisite whenever the Barrack-master-general's accounts should be brought forward. Now we are of opinion, that if the persons recommended by us to be appointed to execute this momentous duty, could sit in or adjoining to the Barrack-office, and that the surveyor, accountant, and the clerks assigned for bringing forward the late Barrack-master-general's accounts, were to be put wholly under their controul, this single establishment might do all the business, provided the persons selected be conversant with public accounts, and able and willing themselves to assume a proper portion of the labour.—Should the proposal which we herein submit, as the best means we can devise to extract the late Barrack-master-general's accounts from their present embarrassment, be approved of, it would be fit that the lords commissioners of his maj.'s treasury should recommend to the auditors of the public accounts to suspend all proceedings in respect of the imprests to the late Barrack-master-general, returned by the Pay-master-general of his maj.'s forces; and to the secretary at war to procure his maj.'s warrants to cover those sums which shall be from time to time reported, in the manner we have stated, to be satisfactorily accounted for.

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* On the 17th March, 1806, the commissioners received a letter from lieut.-gen. Hewett, informing the board, that Mr. Stanbank had finally examined the several Barrack-masters' accounts under his inspection, and had removed to the office provided for the purpose of settling the accounts of lieut.-gen. De Lancey, in which duty he was to be exclusively employed from that date.—See Appendix, No. 69.

As connected with the subject of this report, we feel it our duty to notice a matter which the present Barrack-master-general apprehends will very much delay the passing of his accounts before the auditors, and may eventually impose on him a very unjustifiable burthen of responsibility. His apprehension is founded on the state of the office accounts in respect of Barrack buildings, which have been entirely, or in a great part executed under the orders of his predecessor. The agreement which the late Barrack-master-general made with the builders was, generally, if not universally, to pay for the work on the principle of measure and value, and to advance money from time to time on account, according to certificates of the progress made in the work; these certificates are probably founded on a certain measurement and valuation; but from the nature of the business there can be no precise and accurate examination till the whole of a building is completed, and the builder's bills are sent in; then, by means of the weekly returns of the clerks of the works, the certificates alluded to, the measurements taken under the directions of the office, and of other documents, the bills are examined and checked in a particular department of the office, when an assistant Barrack-master-general, and the two office-surveyors certify that the balance due may be paid.—From circumstances, on which it is not our present purpose to make any remark, the settlement of these bills is in great arrear; not one half of them, for buildings erected in lieut.-gen. De Lancey's time have yet been settled, and in many cases they have not yet been sent in by the builders. This matter did not escape the attention of the lords commissioners of his maj.'s treasury; for, in a letter from Mr. Huskisson to the present Barrack-master-general, a few days after he had succeeded to the office, he is directed, amongst other things, to make payments to builders on contracts entered into by his predecessor, if, according to the terms of the contracts, and the regulations and checks observed in the Barrack office, the builders appeared to be entitled to the same; "And, that no difficulty might arise to him in respect to the mode of accounting for such payments, their lordships were pleased further to direct that as often as any such contract should be certified complete, according to the forms and conditions provided for that purpose, and in use in the Barrack department, so as to entitle the contractor to claim the balance due to him on such completion, a copy of such contract, so certified, together with the account current, should be transmitted to the treasury board; and in case of its being returned approved by their lordships, such approbation, together with the receipt in full of the party, joined to the contract and certificate before-mentioned, should be his voucher for enabling him to pass such account with the commissioners for auditing the public accounts."—Lieut.-gen. Hewett, although entirely satisfied with these directions, so far as respects his responsibility for the payments which he might make on account of buildings erected under the authority of his predecessor, yet conceives that, in passing his accounts before the auditors, he will be called upon by them to produce the building account itself, as a document to shew that the balance he has paid was due to the builder; this would make it the duty of the auditors to examine into the whole circumstances, and would necessarily very much delay the passing of his own proper accounts, and might eventually subject him to a responsibility for any disallowances in such account, that ought properly to fall on lieut.-gen. De Lancey. He proposes, therefore, in a letter to the treasury, in order that the accounts of any buildings (undertaken by, and executed under the orders of, his predecessor) might at one view undergo investigation, that the lords commissioners of his maj.'s treasury should direct lieut.-gen. De Lancey to state in his accounts these payments as made by him (lieut.-gen. Hewett); but to be nevertheless inserted in his (lieut.-gen. Hewett's) account to be examined by the auditors. Lieut.-gen. De Lancey, however, in Sept. following, informs lieut.-gen. Hewett, that in making up his public accounts, he shall include all charges paid on account of buildings, and consider the certificates of the surveyors on the progressive payments, accompanied by the receipts of the parties, as his vouchers, and that consequently he cannot be considered as responsible for the final settlement of these accounts.—In this disagreement between the late and present Barrack-master-general, it is, no doubt, difficult to suggest what may be at the same time satisfactory to them, and be a sufficient security to the public: but we propose, in order to obviate the delay which the present Barrack-master-general fears would arise in passing his proper accounts before the auditors, if he is obliged to produce the builders' accounts settled in the office as part of his vouchers for the payment of the balance ordered by the lords commissioners of his maj.'s treasury, that their lordships do reconsider their former instructions on the subject, and direct that their order for the payment of the money to the person named, with his receipt in full, should be the vouchers on which such payments shall be allowed by the auditors in the account of the present Barrack-master-general: for, as the contract with the builder, the account current, and the certificates of the office, will have been under the consideration of their lordships before they direct the balance to be paid, it does not appear to us to be necessary that they should also be submitted to the consideration of the auditors, since that would bring with it the consideration of the builders' accounts also, in which that balance was certified; the account itself, however, should be examined and adjusted in the Barrack-office, under the controul of the present Barrack-master-general, as part of the current business of the office; because it would be highly inexpedient to withdraw for this purpose any of the trained officers in the building-department, by whom alone it can well be done; and because all the documents necessary for this adjustment are lodged there, and ought not to be removed. When, indeed, the account is finally examined and certified, it should be delivered into the War-office, or to those persons who may be appointed to audit the late Barrack-master-general's accounts, as a part of those matters which must be inspected in such examination; and so far as any responsibility can attach on the chief of the Barrack-department for the production of an authority for the erection of a building, for the nomination of the builder, for the terms of the contract with him for the directions given from time to time, and for the regularity of the certificates on which money has been advanced on account, it should fall on lieut.-gen. De Lancey: but, for the course observed in the office in settling the bill, the present Barrack-master-general should be responsible, and for nothing more. Were such an arrangement adopted, lieut.-gen. Hewett would be relieved from that responsibility which he apprehends. Whatever trouble he may be subjected to, should be considered as a part of the duties of the office which he has undertaken to execute.

H. OAKES. (L. S.)
J. DRINKWATER. (L. S.)
SAM. C. COX. (L. S.)
GILES TEMPLEMAN. (L. S.)
HENRY PETERS. (L. S.)
CHAS. BOSANQUET. (L. S.)
J. C. STEPHENSON. (L. S.)

Office of Military Enquiry, No. 17, Buckingham-street, Adelphi, 20th March, 1806.

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